

Digitized by the Internet Archive
in 2011 with funding from
CARLI: Consortium of Academic and Research Libraries in Illinois

<http://www.archive.org/details/illinoisreg23271999illi>

1999

Illinois

Register

Published by the
Illinois State Board of
Education
1999

Illinois State Board of
Education
January 1999

348.02
-Ia
23
27
2



1999

Illinois Register

ILLINOIS DOCUMENTS

JUL 2 1999

ILLINOIS STATE LIBRARY

Rules of Governmental Agencies

Volume 23, Issue 27 — July 2, 1999

Pages 7,328 – 7,620

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
Jesse White
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS

July 2, 1999 Volume 23, Issue 27

PROPOSED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Administrative Hearing Rules
56 Ill. Adm. Code 26057328

EDUCATION, STATE BOARD OF

Public University Laboratory Schools
23 Ill. Adm. Code 4527351

HUMAN SERVICES, DEPARTMENT OF

Appeals And Hearings
89 Ill. Adm. Code 5107356
Application
89 Ill. Adm. Code 5577383
Assessment For Determining Eligibility And Rehabilitation Needs
89 Ill. Adm. Code 5537389
Customer Financial Participation
89 Ill. Adm. Code 5627399
Individualized Written Rehabilitation Program (IWRP)
89 Ill. Adm. Code 5727406
Service Planning And Provision
89 Ill. Adm. Code 6847413

NATURAL RESOURCES, DEPARTMENT OF

The Taking Of Wild Turkeys-Spring Season
17 Ill. Adm. Code 7107417

NUCLEAR SAFETY, DEPARTMENT OF

Safe Operation Of Nuclear Facility Boilers And Pressure Vessels
32 Ill. Adm. Code 5057431

PUBLIC AID, DEPARTMENT OF

Hospital Services
89 Ill. Adm. Code 1487475

ADOPTED RULES

HUMAN SERVICES, DEPARTMENT OF

Determination Of Need (DON) And Resulting Service Cost Maximums (SCMs)
89 Ill. Adm. Code 6797492
Recipient Rights
59 Ill. Adm. Code 1117496
Services
89 Ill. Adm. Code 5907502
Voter Registration Program
89 Ill. Adm. Code 880, Repeal7512

Voter Registration Program

89 Ill. Adm. Code 5127514

STATE POLICE, DEPARTMENT OF

Law Enforcement Agencies Data System (LEADS)
20 Ill. Adm. Code 1240, Repeal7519
Law Enforcement Agencies Data System (LEADS)
20 Ill. Adm. Code 12407521

STUDENT ASSISTANCE COMMISSION, ILLINOIS

College Savings Bond Bonus Incentive Grant (BIG) Program
23 Ill. Adm. Code 27717532
Federal Family Education Loan Program (FFELP)
23 Ill. Adm. Code 27207537
General Provisions
23 Ill. Adm. Code 27007550
Higher Education License Plate (HELP) Grant Program
23 Ill. Adm. Code 27377571
Illinois Veteran Grant (IVG) Program
23 Ill. Adm. Code 27337575
Limitation, Suspension And Termination (L,S&T) Proceedings
23 Ill. Adm. Code 27907581
Merit Recognition Scholarship (MRS) Program
23 Ill. Adm. Code 27617587
Monetary Award Program (MAP)
23 Ill. Adm. Code 27357592

NOTICE OF CORRECTIONS TO NOTICE ONLY

NATURAL RESOURCES, DEPARTMENT OF

Conservation 2000 - Ecosystems Program
17 Ill. Adm. Code 15237601

NOTICE OF PUBLIC INFORMATION

BANKS AND REAL ESTATE, OFFICE OF

Notice On Fine Imposed Under The Residential Mortgage License Act Of
1987 - The Money Shop Of Palos Heights, Illinois7602

REGULATORY AGENDA

AGING, DEPARTMENT ON

Community Care Program
89 Ill. Adm. Code 2407603

CAPITAL DEVELOPMENT BOARD

Standards For Award Of Grants: School Construction Program
71 Ill. Adm. Code 407604

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received7610

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

99-209 Festival of Cultures Days (Revised)	7611
99-217 Disaster Area - Jo Daviess Counties	7611
99-218 Dr. Bryon J. Francis Day	7611
99-219 The Independent Order of Svithiod Day	7612
99-220 John S. Hemmer Commended	7612
99-221 John W. Comerio Day	7613
99-222 Lyme Disease Awareness Month	7614
99-223 MS Dinner of Champions Day	7614
99-224 Thomas J. Doyle Day	7615
99-225 Christian Heritage Week	7615
99-226 Leadership Springfield Day	7616
99-227 Larry Smith Day	7616
99-228 Playground Safety Day	7616
99-229 Rena K. Cotsones Day	7617
99-230 Joseph Buckhalter Day	7618
99-231 LULAC Day	7618
99-232 American GI Forum Day	7619
99-233 Charles Ewell, Jr. Day	7619
99-234 Fayette County WIC Day	7619
99-235 Zonta Club of Oak Park Day	7620

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1999 - Issue 16: Through	March 31, 1999
July 17, 1999 - Issue 29: Through	June 30, 1999
October 16, 1999 - Issue 42: Through	September 30, 1999
January 15, 2000 - Issue 3: Through	December 31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2605

ADMINISTRATIVE HEARING RULES

Section	
2605.10	Authority
2605.20	Applicability
2605.30	Definitions
2605.40	Severability
2605.50	Variances
2605.60	Construction of Rules
2605.70	When an Administrative Hearing May Be Initiated
2605.80	What May Be Reviewed in an Administrative Hearing
2605.90	What May Not Be Reviewed in an Administrative Hearing
2605.100	Procedure for Initiating an Administrative Hearing
2605.110	Department Hours
2605.120	Computation of Time
2605.130	Form of Documents
2605.140	Service
2605.150	Withdrawal of a Petition for Hearing or Notice of Charges
2605.160	Failure to Properly Initiate an Administrative Hearing
2605.170	Waiver of Issues
2605.180	Sanctions
2605.190	Notice of Hearing
2605.200	Requirement of an Answer
2605.210	Consolidation and Severance of Parties and Cases
2605.220	Hearing Officer
2605.230	Recusal of Hearing Officer
2605.240	Ex Parte Communication
2605.250	Representation and Appearance
2605.260	Intervenors
2605.270	Additional Parties
2605.280	Motions
2605.290	Discovery
2605.300	Subpoenas
2605.310	Witness Fees and Expenses
2605.320	Prehearing Conference
2605.330	Hearings
2605.340	Postponement or Continuance of Hearing
2605.350	Failure to Appear
2605.360	Burden of Proof
2605.370	Standard of Proof
2605.380	Evidence
2605.390	Business Records/Documents
2605.400	Official Notice

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

2605.410 Examination of Witnesses by Hearing Officer
 2605.420 Adverse Witness
 2605.430 Transcript of Hearing
 2605.440 Record of Hearing
 2605.450 Proposal for Decision
 2605.460 Final Decision

AUTHORITY: Implementing Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Art. 10].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

Section 2605.10 Authority

This Part is issued pursuant to Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act, requiring that each agency adopt rules establishing procedures for contested case Administrative Hearings.

Section 2605.20 Applicability

This Part shall apply to all Administrative Hearings conducted by the Illinois Department of Commerce and Community Affairs that are not specifically provided for under any other Section of the Illinois Administrative Code, and that constitute a contested case as defined in the Illinois Administrative Procedure Act.

Section 2605.30 Definitions

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Administrative Hearing" means the adjudicatory proceeding used to resolve a contested case (also referred to as a "Hearing").

"Agency" shall have the meaning ascribed to it in Section 1-20 of the IAPA.

"Agency Head" shall have the meaning ascribed to it in Section 1-25 of the IAPA.

"Business Day" means all days except Saturday and Sunday, and all weekdays that are not official national and/or State legal holidays.

"Complainant" means the party who initiates the Administrative Hearing.

"Contested Case" shall have the meaning ascribed to it in Section 1-30 of the IAPA.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

"Department" means the Illinois Department of Commerce and Community Affairs.

"Director" means the Director of the Department or duly appointed Acting Director, or in his absence from the State, or in any event of his incapacity to act, his next immediate subordinate officer within the Department.

"Hearing Number" means the number assigned by the Department to the Administrative Hearing.

"Hearing Officer" means the Administrative Law Judge as defined in Section 1-15 of the IAPA, and is the person appointed or retained by the Department to preside at the Administrative Hearing.

"He/His" means either male or female gender.

"Order" shall have the meaning ascribed to it in Section 1-50 of the IAPA.

"Party" shall have the meaning ascribed to it in Section 1-55 of the IAPA.

"Person" shall have the meaning ascribed to it in Section 1-60 of the IAPA.

"Petition for Hearing" means a request for an Administrative Hearing.

"Program Rule" means a rule that was promulgated to further explain, clarify, or set requirements for a program administered by the Department pursuant to a Statute.

"Proof of Service" means evidence submitted specifying the date, method, and person who served a document on another party. All Proofs of Service must be signed by the server.

"Recipient" means anyone that has received direct financial assistance from the Department pursuant to a Statute or Program Rule.

"Respondent" means any party who answers/responds to a Complainant.

"Statute" means a formal written enactment of a legislative body, whether federal or State.

"Statutory Authority" means the authority given to the Department by a Statute.

"Subrecipient" means anyone that received financial assistance from a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

Recipient.

Section 2605.40 Severability

If any Section, subsection, sentence, or clause in this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause thereof not judged invalid.

Section 2605.50 Variances

a) The Hearing Officer may grant variances from this Part or the IAPA, including, but not limited to, a waiver of compliance with a rule, under any of the following circumstances:

- 1) The parties agree by written stipulation;
- 2) Upon motion by a party who cannot obtain agreement from other parties; or
- 3) Upon the Hearing Officer's own motion, where he deems it necessary.

b) Where a motion for a variance is brought, the movant must show that compliance with the rule from which the variance or waiver is requested would, in that particular case, be unreasonable or unnecessarily burdensome.

c) The Hearing Officer shall notify the parties of the granting of any variance or waiver, and the reasons for the variance or waiver, as soon as possible after granting the variance or waiver.

Section 2605.60 Construction of Rules

This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States, or the Constitution or laws of the State of Illinois, nor shall they be construed to abrogate, modify, or limit existing Department procedures that are equivalent to or exceed the standards of administrative procedures set forth in this Part. In case of conflict between this Part and a Statute, the statute shall control.

Section 2605.70 When an Administrative Hearing May Be Initiated

An Administrative Hearing may be initiated whenever a Statute and/or Program Rule provides for the right to an Administrative Hearing.

Section 2605.80 What May Be Reviewed in an Administrative Hearing

Any finding and/or decision of the Department may be reviewed in an Administrative Hearing where a Statute and/or Program Rule provides for it.

Section 2605.90 What May Not Be Reviewed in an Administrative Hearing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

The following may not be reviewed in an Administrative Hearing, unless otherwise permitted by a Statute and/or Program Rule:

- a) Rulemaking as set forth in Sections 5-3, 5-40, 5-45, and 5-50 of the IAPA;
- b) A Final Decision of the Department that has previously been decided through an Administrative Hearing under this Part;
- c) Instances in which a party has waived his right to an Administrative Hearing;
- d) Issues involving unfair labor practices or discrimination in employment;
- e) The Department's decision to deny an application for financial assistance, or to fund at a lower level than requested; or
- f) A declaratory ruling as provided for in 5 ILCS 100/5-150 of the IAPA.

Section 2605.100 Procedure for Initiating an Administrative Hearing

a) An Administrative Hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on a party. In either case, the service must be made within the required period of time as is specifically set forth by a Statute and/or Program Rule.

b) The Petition for Hearing and the Notice of Charges must be in writing and signed by the party initiating the Administrative Hearing.

c) The Petition for Hearing and the Notice of Charges must contain the following information:

- 1) The name of the parties involved;
- 2) The subject matter of the Administrative Hearing;
- 3) The date;
- 4) A list of the Department findings and/or decisions that are being challenged, and the specific reasons why the Petitioner asserts that the Department's findings and/or decisions are incorrect (in the case of a Petition for Hearing); and
- 5) A list of the Department's charges against the party (in the case of a Notice of Charges).

d) The Petition for Hearing must be personally delivered, or mailed, certified mail, return receipt requested, with Proof of Service attached, to:

Office of the General Counsel
Illinois Department of Commerce and Community Affairs
620 East Adams Street
Springfield, Illinois 62701.

e) The Notice of Charges must be personally delivered, or mailed, certified mail, return receipt requested, with Proof of Service attached, to the party's last known address.

Section 2605.110 Department Hours

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

The Department's hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except for national and/or State legal holidays.

Section 2605.120 Computation of Time

- a) Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event, or development initiating such period of time occurs, and shall run until the end of the last day or the next following business day, if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is five days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

Section 2605.130 Form of Documents

- a) All documents submitted pursuant to an Administrative Hearing shall be typewritten, on 8-1/2 by 11 inch white paper. The first page of each document shall set forth the names of the parties and the Hearing Number assigned to the case by the Department. A Petition for Hearing that is filed before a Hearing Number is assigned shall contain a space for entry of the assigned Hearing Number.
- b) All documents submitted shall be signed by the party filing them. Such signature constitutes a representation by the party that the party has read the document and that, to the best of the party's knowledge, information, and belief, the statements made therein are true, and are not made for the purpose of delay or harassment.
- c) All documents submitted to the Department after the Petition for Hearing shall be submitted in duplicate, together with a Proof of Service, unless other arrangements are agreed to between the parties.
- d) Any party submitting a document in the case must also provide a copy to the Hearing Officer at an address designated by the Hearing Officer.

Section 2605.140 Service

- a) Service of every document after the Petition for Hearing or Notice of Charges shall be made by personal delivery upon all parties, or United States mail, properly addressed, with postage prepaid, unless otherwise required in this Part. Proof of Service must be attached to the original of any document served. The parties may agree to service by facsimile, however, such Proof of Service shall contain a confirmation of receipt attached to the document faxed.
- b) Service on the Department is made by service on the Office of the General Counsel, at the Springfield office address, unless otherwise

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- c) designated by the Department.
Service on a party shall be at its last known address, unless otherwise designated by the party.

Section 2605.150 Withdrawal of a Petition for Hearing or Notice of Charges

A Petition for Hearing or Notice of Charges may be withdrawn at any time by notice and motion to the Hearing Officer and all of the parties involved. Such motion shall be granted, and the Hearing Officer shall issue an order dismissing the Petition for Hearing or Notice of Charges, and its underlying cause with prejudice.

Section 2605.160 Failure to Properly Initiate an Administrative Hearing

The Department may reject any Petition for Hearing that does not comply with this Part. The Department shall state the basis upon which any Petition for Hearing is rejected. Upon the second failure to properly initiate an Administrative Hearing with regard to a particular finding and/or decision of the Department, the Department may dismiss the Petition for Hearing with prejudice.

Section 2605.170 Waiver of Issues

Any issues that are not addressed specifically and directly, and not by implication, in the Petition for Hearing or Notice of Charges, as required in this Part, will be irrevocably waived in any Administrative Hearing conducted by the Department.

Section 2605.180 Sanctions

Any document submitted that is determined by the Hearing Officer, after motion made by the Department, to be without basis, untrue, or made for the purpose of delay or harassment, shall subject the party submitting it to sanctions, including, but not limited to, the following:

- a) Dismissal of the Petition for Hearing with prejudice;
- b) Denial of the party's motion; and
- c) Costs, including but not limited to reasonable attorney's fees and other costs incurred by the Department.

Section 2605.190 Notice of Hearing

- a) Upon receipt by the Department of a properly submitted Petition for Hearing, or in conjunction with a Notice of Charges, a Notice of Hearing shall be served, personally or by certified or registered mail, return receipt requested, by the Department upon the parties or their agents appointed to receive service of process, and shall include the following:
 - 1) A statement of the date, time, place, and nature of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

Administrative Hearing;

- 2) A statement of the legal authority and jurisdiction under which the Administrative Hearing is to be held;
 - 3) A reference to the particular Sections of the substantive and procedural Statute and Program Rules involved;
 - 4) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the assigned Hearing Number; and
 - 5) The names and mailing addresses of the Hearing Officer, all parties involved, and all other persons to whom the Department gives Notice of Hearing, unless otherwise confidential by law. (Section 10-25 of the IAPA)
- b) Any contention that an improper Notice of Hearing was given will be deemed waived unless it is raised by a party prior to argument on any other motion, or, if no other motions are presented, prior to the commencement of opening statements.

Section 2605.200 Requirement of an Answer

- a) In all contested cases instituted by either a Petition for Hearing or a Notice of Charges, the Respondent shall file an Answer within 10 business days after the date on which the Petition for Hearing or Notice of Charges was received. The Answer shall be in writing, signed by the Respondent or his representative, and shall contain a specific response to each allegation. The Answer shall either admit or deny the allegation, or shall state that the Respondent has insufficient information to either admit or deny the allegation.
- b) Any Answer that states that the Respondent has insufficient information to admit or deny the allegation shall be accompanied by an affidavit of the Respondent or his representative attesting to the truth of this assertion.
- c) On motion by either party, the Hearing Officer will cause to be issued a notice to plead or be held in default. If, within 15 days after issuance of such notice, the Respondent does not Answer or otherwise file a responsive pleading, he will be held in default and a default order may be entered.

Section 2605.210 Consolidation and Severance of Parties and Cases

In the interest of the efficient disposition of Administrative Hearings, the Hearing Officer may consolidate or sever any parties or cases, upon the motion of any party, or upon his own motion. A party may contest the Hearing Officer's decision by filing a motion, as provided in this Part setting forth specific reasons why the party will be unduly prejudiced.

Section 2605.220 Hearing Officer

- a) In any Administrative Hearing, the Department shall appoint and/or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

retain a Hearing Officer to conduct the Administrative Hearing. The Hearing Officer shall be an attorney, licensed to practice law in Illinois.

b) The Hearing Officer shall:

- 1) Conduct a fair and impartial Administrative Hearing; and
 - 2) Take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record.
- c) The Hearing Officer shall have all powers necessary to conduct the Administrative Hearing as provided above, including but not limited to the power to:
- 1) Administer oaths and affirmations;
 - 2) Regulate the course of the Administrative Hearing; set the time and place for continued hearings; fix the time for submitting documents; provide for the taking of testimony by deposition, if necessary; and generally conduct the proceedings according to generally recognized principles of administrative law and this Part;
 - 3) Dispose of procedural requests or similar matters;
 - 4) Examine witnesses and direct witnesses to testify; limit the number of times any witness may testify; limit repetitions or cumulative testimony; and set reasonable limits on the amount of time each witness may testify;
 - 5) Rule upon offers of proof; receive relevant evidence; and determine what evidence is admissible;
 - 6) Sign and issue subpoenas that require attendance, giving testimony, and the production of books, papers, and other documentary evidence;
 - 7) Direct parties to appear and confer for the settlement or simplification of issues; and to otherwise conduct prehearing conferences;
 - 8) Make rulings on motions and objections;
 - 9) Consider all relevant facts and circumstances;
 - 10) Enter any order that further carries out the purpose of this Part;
 - 11) Compile a record of the proceedings in compliance with IAPA Section 10-35;
 - 12) Submit Findings of Fact and Conclusions of Law to the parties at the conclusion of the Administrative Hearing; and
 - 13) Render a Final Decision where the Director delegates that authority at the time of the Hearing Officer's appointment and/or retention.
- d) It shall not be a bar to the assignment as Hearing Officer that the attorney selected as the Hearing Officer is also an employee of the Department.
- e) The Hearing Officer shall not have direct involvement with the case or have an interest in the decision to be reached. However, mere familiarity with the facts shall not disqualify a Hearing Officer.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

Section 2605.230 Recusal of Hearing Officer

- a) Any party may file a timely and sufficient motion, supported by affidavit, requesting that the Hearing Officer recuse himself from hearing the case. The affidavit shall set forth allegations of personal bias or prejudice of the Hearing Officer. If a Hearing Officer recuses himself, another Hearing Officer may be appointed and/or retained by the Department.
- b) *An adverse ruling in and of itself shall not constitute a bias or conflict of interest.* (Section 10-30 of the IAPA)
- c) The Hearing Officer may at any time voluntarily disqualify himself upon written notice to the Department.

Section 2605.240 Ex Parte Communication

- a) Once appointed and/or retained, the Hearing Officer shall not communicate, in any way, directly or indirectly, with any party, or any person interested in the outcome of the proceeding, with respect to the merits of any case not concluded, except upon notice and opportunity for all parties to participate. (Section 10-60 of the IAPA)
- b) The Hearing Officer may institute and enforce sanctions against a party or person who violates this Section.

Section 2605.250 Representation and Appearance

- a) Any party may be represented by an attorney who is licensed to practice law in Illinois. Attorneys who appear in a representative capacity must file a written Notice of Appearance setting forth:
 - 1) The name, address, telephone number, and Attorney Registration and Disciplinary Commission (ARDC) number of the attorney where service of papers may be made;
 - 2) The name and address of the party represented; and
 - 3) An affirmative statement indicating that the attorney is licensed to practice law in Illinois.
- b) A natural person, who is a party, may appear and be heard on his own behalf. If a party has a guardian, the party may be represented by his guardian. If a party is a minor and does not have a guardian, the party may be represented by his parents.
- c) A corporation or association shall appear and be heard only by an attorney who is licensed to practice law in Illinois. A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association, unless the individual is authorized to practice law in Illinois.
- d) A partnership may be represented by a general partner.
- e) Only attorneys licensed to practice law in Illinois shall represent any others in an Administrative Hearing proceeding before the Department.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- f) All attorneys appearing in Administrative Hearing proceedings before the Hearing Officer shall conform their conduct to the Illinois Rules of Professional Conduct (Article 8 of the Illinois Supreme Court Rules). In the event that an attorney's behavior substantially impairs the administration of the Administrative Hearing, the Hearing Officer may take the following actions in a progressive manner:
 - 1) Substitution of written argument for oral argument;
 - 2) Exclusion of the attorney from the proceeding;
 - 3) Suspension or revocation of the attorney's right to appear before the Hearing Officer in that contested case.
- g) If any of the above actions are taken by the Hearing Officer, it shall be done as a matter of record, and the Hearing Officer shall state for the record the specific reasons for the action.
- h) Non-attorneys appearing in proceedings before the Department shall be courteous and dignified, and shall maintain the decorum of the tribunal.
- i) An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, attorneys may be substituted without motion, upon notice to all parties and the Hearing Officer, as long as the substitution will not delay the proceedings, and a statement to that effect is contained in the notice.

Section 2605.260 Intervenorors

- a) The Hearing Officer may grant a person leave to intervene in the proceedings prior to the hearing of evidence, if the person submits a Petition for Intervention, when:
 - 1) The person can show an interest in the proceeding that may not be adequately represented by the parties to the proceeding; or
 - 2) The person may be affected by the Final Decision; or
 - 3) The person is another agency of the State of Illinois that has an interest (i.e., statutory right or duty) that may be affected by the matter that is before the Department.
- b) Before intervention is allowed, the Hearing Officer shall determine whether other remedies are available to the person and whether the intervention will:
 - 1) Unduly delay the Administrative Hearing;
 - 2) Prejudice the rights of any parties;
 - 3) Be unduly burdensome to any party;
 - 4) Unnecessarily enlarge the scope of the proceedings; or
 - 5) Unnecessarily insert new issues into the proceedings.
- c) Two copies of the Petition for Intervention shall be submitted to the Department and one copy shall be served on each additional party no later than 48 hours prior to the date set for the Administrative Hearing. The Hearing Officer may permit later intervention when there is good cause for the delay. Every Petition for Intervention shall contain:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 1) The name of the Petitioner;
 - 2) The number referencing the matter to be heard (i.e., grant number) or Hearing Number assigned by the Department;
 - 3) The date of the Petition for Intervention;
 - 4) The specific Department findings and/or decisions that are being challenged (if applicable);
 - 5) The specific basis upon which the Petitioner has an interest in the matter before the Department; and
 - 6) A request to intervene and be treated as a party to the Administrative Hearing.
- d) The Petition for Intervention must be personally delivered or mailed, certified or registered mail, return receipt requested, with Proof of Service attached, to:

Office of the General Counsel
 Illinois Department of Commerce and Community Affairs
 620 East Adams Street
 Springfield, Illinois 62701.

- e) An intervenor shall have all of the rights of an original party, except that the Hearing Officer may, in his order allowing intervention, provide that the intervenor shall be bound by orders previously entered, or by evidence previously received, that the intervenor shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, that the intervenor shall not interfere with the control of the Administrative Hearing as justice and the avoidance of undue delay may require.
- f) The decision of the Hearing Officer as to the granting or denial of the Petition for Intervention shall be considered a Final Decision of the Department as to the issue of intervention, and subjects the intervenor to the provisions of the Administrative Review Law.

Section 2605.270 Additional Parties

The Hearing Officer may order that additional parties be brought into an Administrative Hearing when he deems it necessary, upon either the motion of a party or upon his own motion.

Section 2605.280 Motions

- a) A motion shall be made in writing, unless the Hearing Officer finds that an oral motion would expedite the Administrative Hearing and not interfere with the parties' presentation of their cases.
- b) When any motion is filed, the opposing party has 10 business days, or such other period as the Hearing Officer may prescribe, to file a written response setting forth the arguments, authorities relied upon, and affidavits or other supporting evidence. If no response is filed, the parties shall be deemed to have waived objections to the granting

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- of the motion. The moving party shall have no right to reply except as permitted by the Hearing Officer.
- c) The Hearing Officer may allow oral argument, and is authorized to question either party if deemed necessary for a fuller understanding of the issues presented. Where facts are alleged, as a basis for the request, that are not a part of the record in the case, an affidavit will be attached to the motion setting forth those facts. A written motion shall be disposed of by written order and notice to all parties.
 - d) The Hearing Officer shall rule upon all motions properly presented before him.
 - e) Unless otherwise ordered, the filing of a motion or response shall not stay the proceeding or extend the time for the performance of any act.
 - f) Any party may file motions for default, motions to dismiss, motions for summary judgment, and motions for protective orders. The Hearing Officer shall render an order granting or denying that motions within 10 business days after receiving a response to the motion, unless additional time is required. Any order granting a motion to dismiss, granting a default judgment, or granting a motion for summary judgment shall be forwarded as a record of the Administrative Hearing in accordance with Section 10-35 of the IAPA.
 - g) Where the Hearing Officer grants any motion that would dispose of the case, it shall first afford the parties an opportunity to cure the defects in pleading or proof, and the ruling shall be forwarded as a part of the record of the Administrative Hearing in accordance with Section 10-35 of the IAPA.

Section 2605.290 Discovery

- a) Discovery shall not be the subject of motions presented to the Hearing Officer, except when a motion is made alleging failure to comply with this Section.
- b) The following discovery procedures shall be used upon the written request served on the opposing party:
 - 1) Interrogatories;
 - 2) Production of documents or things; and
 - 3) Depositions.
- c) The Hearing Officer may restrict such discovery where necessary to prevent undue delay or harassment.
- d) Upon written request served on the opposing party, any party shall be entitled to, at a minimum:
 - 1) The name and address of all witnesses who may be called to testify at the Administrative Hearing;
 - 2) Copies of all documents that may be offered as evidence; and
 - 3) A description of any other evidence that may be offered.
- e) The above information shall be provided within 10 business days after receipt of the request.
- f) Whether or not a request is made during discovery, a party shall be

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

entitled to any exculpatory evidence in either party's possession. Exculpatory evidence is any evidence that tends to support the opposing party's position or to call into question the credibility of a party's witness.

- g) Upon a written request served on any party at any time after the Administrative Hearing is commenced, the party will be required to answer interrogatories and produce documents, books, records, or other evidence that relates directly to conduct of the party's business within 10 business days after its receipt.
- h) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information that is more extensive than what is provided for in this Section. Where the parties agree to the use of an evidence deposition, such agreement shall be in writing and shall operate as a waiver of any objection not made during the deposition, except for an objection that the testimony of the witness is not relevant to the case.
- i) This provision will be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

Section 2605.300 Subpoenas

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records, or memoranda, may be issued by the Hearing Officer upon his own request or upon the written request of any party to the proceeding.
- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony or to produce requested documentation at the time and place therein specified.
- c) Any party seeking issuance of a subpoena shall apply in writing to the Hearing Officer, setting forth facts that purport to demonstrate that the subpoena is relevant to the disputed matter and is required. The Hearing Officer may require the party requesting the issuance of a subpoena to demonstrate the relevancy of the request to the issues in the Administrative Hearing.
- d) For good cause shown, upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, the Hearing Officer may quash or modify the subpoena if it is determined to be unreasonable, oppressive, or unnecessary.
- e) Subpoenas issued by the Hearing Officer, upon the request of a party to the proceeding, shall be delivered to the requesting party who shall be responsible for serving them.
- f) Service of a subpoena shall be as provided in Supreme Court Rule 237.

Section 2605.310 Witness Fees and Expenses

- a) Witnesses subpoenaed in an Administrative Hearing shall be entitled to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

the same fees and mileage paid for such services in the State circuit courts. All fees and mileage in connection with the issuance of a subpoena of any kind shall be borne by the party at whose request the subpoena was issued.

- b) Witnesses whose depositions are taken, and the persons whose attendance is required, shall be entitled to the same fees paid for such services in the State circuit courts. All expenses in connection with the taking of a deposition, including court reporter fees, shall be borne by the party at whose instance the deposition was taken.

Section 2605.320 Prehearing Conference

- a) Upon written motion by the Hearing Officer or any party, the Hearing Officer may direct the parties to attend a Prehearing Conference at a mutually convenient time and place prior to the Administrative Hearing date for the purpose of:
 - 1) Simplifying the issues;
 - 2) Limiting the issues;
 - 3) Amending the Petition for Hearing or Notice of Charges, if necessary;
 - 4) Stipulating to facts and/or admissions;
 - 5) Limiting the number of witnesses or evidence;
 - 6) Mutually exchanging prepared testimony and exhibits; and
 - 7) Any other matters that aid in the simplification of the Administrative Hearing.
- b) Any agreements, understandings, or conclusions made at a Prehearing Conference shall be in the form of a Prehearing Order, signed by the Hearing Officer and all parties involved in the Administrative Hearing, and shall become a part of the record of the case.
- c) Unless otherwise precluded by law, any case may be disposed of by stipulation, agreed settlement, consent order, or default. Any settlement made prior to an Administrative Hearing must be signed by the Hearing Officer and all parties involved. The settlement agreement shall be in the form of a report containing a Findings of Fact and Conclusions of Law section.

Section 2605.330 Hearings

All Hearings shall be conducted by the Department at the following location, unless otherwise agreed to by the parties and the Hearing Officer:

Office of the General Counsel
Illinois Department of Commerce and Community Affairs
620 East Adams Street
Springfield, Illinois 62701.

The sequence to be followed for all Administrative Hearings is as follows:

- a) Preliminary Hearing - The purpose is to set a date on which all

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

parties expect to be prepared and to rule on any preliminary motions that are presented. This may be eliminated by agreement of the parties and the Hearing Officer.

- b) Prehearing Conference - The purposes of the Conference are set out in Section 2605.320.

- c) Hearings -
- 1) Preliminary Matters - Motions; attempts to narrow issues or limit evidence.

- 2) Opening Statements - The party bearing the burden of proof proceeds first.

- 3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. After a witness' testimony is completed, he is subject to cross-examination.

- 4) Defense - Evidence and witnesses may be presented by the opposing party.

- 5) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof.

- 6) Final Decision - Described in Section 2605.460.

Section 2605.340 Postponement or Continuance of Hearing

A Hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon motion of a party to the Hearing. Notice of any postponement or continuance shall be given in writing to all parties to the Hearing within a reasonable time in advance of the previously scheduled Hearing date. All parties involved in a Hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the Hearing may be resolved expeditiously.

Section 2605.350 Failure to Appear

Failure to appear at the time and place set for Hearing shall be deemed a waiver of the right to present evidence. After presentation by the Department of an offer of proof that the party was given proper notice, the Hearing Officer shall enter his order. If a party fails to appear, the Petition for Hearing shall be dismissed with prejudice.

Section 2605.360 Burden of Proof

The burden of proof, which includes both the burden of production and the burden of persuasion, rests with the Petitioner in all cases instituted by the filing of a Petition for Hearing, and with the Department in all cases instituted by the filing of a Notice of Charges.

Section 2605.370 Standard of Proof

The standard of proof for an Administrative Hearing under this Part is by a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

preponderance of the evidence, unless otherwise provided by law. (Section 10-15 of the IAPA)

Section 2605.380 Evidence

- a) Except as otherwise provided in this Section, the rules of evidence and privilege applicable to all contested cases will be the rules of evidence that are applicable in all civil cases in the circuit courts of the State of Illinois. In addition, the Hearing Officer may receive material, relevant evidence that would be relied upon by a reasonably prudent person in the conduct of serious affairs (Section 10-40 of the IAPA) that is reasonably reliable and reasonably necessary to a resolution of the issue for which it is offered, provided that the rules relating to privileged communications and privileged topics shall be observed.
- b) The Hearing Officer shall exclude immaterial, irrelevant, and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.

- d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the Hearing.

- e) Hearsay is not admissible. In addition to any other exceptions to the hearsay rule that exist in Illinois, a statement shall be admitted if it has circumstantial guarantees of trustworthiness and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant.

- f) Statements that are not hearsay:

- 1) Prior statement by witness. The declarant testifies at the Hearing and is subject to cross-examination concerning the statement and the statement is:

- A) Inconsistent with his testimony and was given under oath subject to the penalty of perjury at a trial, hearing, deposition, or other proceeding; or

- B) Consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive; or

- C) One of identification of a person made after perceiving him.
- 2) Admission by party-opponent. The statement is offered against a party and is:

- A) His own statement in either his individual or a representative capacity; or

- B) A statement of which the party has manifested his adoption or belief in its truth; or

- C) A statement by a person authorized by the party to make a statement concerning the subject; or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- D) A statement by the party's agent or servant concerning a matter within the scope of the party's agency or employment, made during the existence of the relationship; or
- E) A statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

Section 2605.390 Business Records/Documents

- a) Business records shall be admissible. A business record is material that is:
- 1) Relevant;
 - 2) A memorandum, report, record, or data compilation;
 - 3) Made by a person with first-hand knowledge of the facts;
 - 4) Made at or near the time of the facts;
 - 5) Made as a part of the regular practice of the activity; and
 - 6) Kept in the course of regularly conducted activity.
- b) Any party may prove elements in subsections (a)(3) through (a)(6), by presentation of a sworn statement by an individual responsible for making or keeping such records. Business records include medical reports and police reports.
- c) Any party seeking introduction of documents will be allowed to offer a copy of the original without any showing that the original is unavailable, upon representation of the party or attorney that the copy is a fair and accurate copy of the original.

Section 2605.400 Official Notice

Official notice may be taken of all facts of which judicial notice may be taken and of other facts of a technical nature that are within the specialized knowledge and experience of the Department.

Section 2605.410 Examination of Witnesses by Hearing Officer

- a) The Hearing Officer may examine any witness.
- b) A party may object to specific questions asked by the Hearing Officer, but it shall not be objectionable that a question violates a technical rule of evidence. For purposes of this Section, the rule against hearsay is a substantive, rather than a technical, rule of evidence.

Section 2605.420 Adverse Witness

- a) Any party or witness may be called as an adverse witness. Examination of the adverse witness shall be allowed as if under cross-examination.
- b) A witness called in good faith who surprises the party calling him by his testimony can be examined as if under cross-examination, and the testimony of the witness may be impeached by prior statements.

Section 2605.430 Transcript of Hearing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

An official court reporter shall be engaged to make and transcribe a stenographic record of the Hearing. The Department will provide for such copies of the transcript as it may require for its purposes. No copies of the transcript will be provided to the parties by the Department, but copies may be obtained from the official reporter upon payment of the appropriate costs. The costs shall be borne equally by the parties to the Hearing.

Section 2605.440 Record of Hearing

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
- 1) All pleadings (including, but not limited to, the Petition for Hearing or Notice of Charges and any Responses);
 - 2) Motions, briefs, arguments, affidavits, exhibits, documents, and records;
 - 3) All evidence received;
 - 4) The transcript of the Hearing;
 - 5) A statement of matters officially noticed;
 - 6) Offers of proof, objections, and rulings;
 - 7) Any proposed findings and exceptions;
 - 8) Any order, decision, opinion, or report by the Hearing Officer;
 - 9) All staff memoranda or data submitted to the Hearing Officer or members of the Department in connection with their consideration of the case; and
 - 10) Any communication prohibited by Section 2605.240 (Ex Parte Communication), but no such communication shall form the basis for any Finding of Fact.
- b) Oral proceedings or any part thereof shall be recorded stenographically or by other means that will adequately insure the preservation of the testimony or oral proceedings and shall be transcribed at the request of any party.
- c) Findings of Fact shall be based exclusively on the evidence and on matters officially noticed. (Section 10-35 of the IAPA)
- d) The record shall not contain the following, unless a party requests that the documents be included in the record.
- 1) Subpoenas;
 - 2) Requests for Subpoenas;
 - 3) Cover Letters;
 - 4) Notices of Filing;
 - 5) Proofs of Service for Regular Mail;
 - 6) Notices of Deposition; or
 - 7) Discovery Requests;
- e) The Department shall be the official custodian of the record of the Administrative Hearing held before the Department.

Section 2605.450 Proposal for Decision

Except where otherwise expressly provided by law, when in a contested case a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

majority of the officials of the Department who are to render the Final Decision has not heard the case or read the record, the Final Decision, if adverse to a party to the proceeding other than the Department, shall not be made until a Proposal for Decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief, and if the Department so permits, oral argument to the Department officials who are to render the Final Decision. The Proposal for Decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision and shall be prepared by the persons who conducted the Hearing or one who has read the record. [5 ILCS 100/10-45] (Section 10-45 of the IAPA)

Section 2605.460 Final Decision

- a) The Final Decision in a contested case shall be in writing and become a part of the record. The Final Decision shall include Findings of Fact and Conclusions of Law, separately stated. Findings of Fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with this Part, a party submitted proposed Findings of Fact, the Final Decision shall include a ruling upon each proposed Finding. Parties or their agents appointed to receive service of process shall be notified either personally or by certified or registered mail, return receipt requested, of any Final Decision. Upon request, a copy of the Final Decision shall be delivered or mailed forthwith to each party and to his attorney of record.
- b) All orders shall specify whether they are final and subject to the Administrative Review Law. (Section 10-50 of the IAPA)
- c) The Final Decision shall be issued in writing as soon as practicable after the Hearing is concluded, unless otherwise provided for by Statute and/or Program Rule.
- d) The Final Decision may require any party to the proceeding to pay part or all of the costs of the Hearing, including but not limited to: witness fees, court reporter fees, Hearing Officer fees, and the cost of the transcript.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public University Laboratory Schools

- 2) Code Citation: 23 Ill. Adm. Code 452

- 3) Section Numbers:
452.5 Amendment
452.10 Amendment
452.20 Amendment
452.30 Amendment

- 4) Statutory Authority: 105 ILCS 5/18-8.05(K).

- 5) A Complete Description of the Subjects and Issues Involved: These rules, adopted in 1983, govern the way in which laboratory schools that are established by public universities receive approval from the State Board of Education in order to receive general state aid payments under Section 18-8.05K of the School Code.

P.A. 90-548, effective December 4, 1997, changed the way in which these schools are required to report average daily attendance. During the process of updating that Section of the rules, it became apparent that other clean up was needed, since these rules had never been amended. The changes proposed reflect the way in which this program currently operates. In addition, the form used by these schools to assure compliance with the rules has also been revised.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, Illinois 62777-0001
(217) 782-3950

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This was not included on either of the two most recent agendas because: it was summarized on an earlier agenda.

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER m: POSTSECONDARY SCHOOLS

PART 452

PUBLIC UNIVERSITY LABORATORY SCHOOLS

Section 452.5	Assurances and Reporting Requirements
452.10	Pupils
452.20	Curriculum
452.30	Reporting and Payment Requirements

AUTHORITY: Implementing and authorized by Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)].

SOURCE: Adopted at 7 Ill. Reg. 5181, effective March 31, 1983; codified at 7 Ill. Reg. 15624; amended at 23 Ill. Reg. _____, effective _____.

Section 452.5 Assurances and Reporting Requirements

Public universities seeking approval of the State Board of Education to qualify for State aid for laboratory schools under Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] ~~{iii-Rev-Stat-1981-eh-122-par-18-8B}~~ shall provide assurances annually that the school's policies and practices conform to the requirements of this Part ~~following-assurances-and-meet-the-following reporting-requirements.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 452.10 Pupils

- a) Pupils shall be admitted without regard to race, national origin, sex, or handicapping condition.
- b) Pupils shall be admitted on a tuition-free basis.
- c) Pupils shall be afforded equal access to the courses of instruction that ~~which~~ are offered.
- d) The provisions of the Illinois School Student Records Act [105 ILCS 10] and of the State Board of Education's rules for Student Records [23 Ill. Adm. Code 375] ~~{iii-Rev-Stat-1981-eh-122-par-50-i-et seq}~~ shall apply.
- e) Pupils shall comply with Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] ~~{iii-Rev-Stat-1981-eh-122-par-27-0-i}~~ regarding health examinations and immunizations. The requirements contained in the State Board of Education's rules for Health Examinations and

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- Immunizations (23 Ill. Adm. Code 625) shall apply.
 f) Pupils shall be in attendance during the time the laboratory school is in session unless an excused absence is granted.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 452.20 Curriculum

- a) The basic branches of instruction required by Section 27-1 the compulsory attendance law of the School Code [105 ILCS 5/27-1] (111 Rev. Stat. 1981, ch. 122, par. 27-1) shall, at a minimum, be provided.
- b) Physical education and training shall be provided as required by Section 27-5 of the law in the School Code [105 ILCS 5/27-5] (111 Rev. Stat. 1981, ch. 122, par. 27-5).
- c) Information concerning innovative courses and teaching techniques shall be provided to the State Board of Education upon request.
- d) Pupils shall be afforded such supportive educational services as the university deems necessary.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 452.30 Reporting and Payment Requirements

- a) The average daily attendance of pupils at laboratory schools during the previous year shall be computed in the manner provided in Section 18-8.05(K) of the School Code (111 Rev. Stat. 1981, ch. 122, par. 18-8) and reported as herein required in this Section.
- b) Pupils shall be reported in a manner that which identifies the local school districts in which they reside and would otherwise attend school.
- c) Laboratory schools shall submit pupil information to the State Board of Education at least on an annual basis in a manner prescribed by the State Board of Education. Reports of pupils attending the laboratory school shall be submitted through the appropriate regional superintendent by June 20 of each year on forms provided by the State Board of Education for forwarding to the State Board of Education.
- d) Payments to public universities for laboratory schools shall be made in the time and manner provided in Section 18-11 of the School Code [105 ILCS 5/18-11] (111 Rev. Stat. 1981, ch. 122, par. 18-11).
- e) Payments to public universities for laboratory schools shall be subject to audit and adjustment for error by the State Board of Education as provided by Section 2-3.33 of the School Code [105 ILCS 5/2-3.33] (111 Rev. Stat. 1981, ch. 122, par. 2-3.33).
- f) Reports for payment of State aid shall be submitted on forms provided by the State Board of Education in accordance with Section 18-12 of

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

the School Code [105 ILCS 5/18-12] and shall include assurances that laboratory school facilities are in compliance with all applicable health, fire and safety requirements.

- g) Laboratory school facilities shall be in compliance with all applicable health, life and safety requirements.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Appeals and Hearings

2) Code Citation: 89 Ill. Adm. Code 510

3) Section Numbers:

510.5 Amendments
510.10 Amendments
510.20 Amendments
510.30 Amendments
510.40 Amendments
510.50 Amendments
510.60 Amendments
510.70 Repealed
510.80 Amendments
510.90 Amendments
510.100 Amendments
510.103 New Section
510.105 Amendments
510.110 Amendments
510.115 New Section
510.120 Amendments

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Repealed
Amendments
Amendments
Amendments
New Section
Amendments
Amendments
New Section
Amendments

4) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) A Complete Description of the Subjects and Issues involved: These revisions of the Office of Rehabilitation Services' Appeals and Hearings rules cover the appeals of customers of all Office of Rehabilitation Services' programs including Vocational Rehabilitation, Home Services, the State Schools, and programs within the Bureau of the Blind. These revisions are the result of a federal finding that the current DHS-ORS rules were not consistent with the federal Vocational Rehabilitation rules and changes covered by recent federal legislation. The most significant change in the rules was needed to respond to the federal requirement that all VR customer appeals be addressed in 60 days. To address this time frame, the hearing process was revised to include an informal resolution conference, a mediation process and a hearing. The informal conference is not a required step, but is an option available to the customer.

The rules revisions to address the federal finding will impact other programs under DHS-ORS, because it is believed that, to the extent possible, a consistent process should be in place for all DHS-ORS customers. Also, because of changes in the federal Act, the decision of the Impartial Hearing Officer for VR hearings is no longer subject to Department Review.

6) Will this proposed rule replace an emergency rule currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772
FAX: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Services, the Vending Facility program for the Blind, Community and Residential Services for the Blind and Visually Impaired, and issues concerning school records and sex equity related to DHS-ORS State Schools.

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 510
APPEALS AND HEARINGS

- Section
510.5 Scope and Purpose
510.10 General Information
510.20 What May Be Appealed
510.30 What May Not Be Appealed
510.40 Grievant Rights
510.50 DHS-ORS Rights
510.60 Service Notice
510.70 Level I Hearings (Repealed)
510.80 Request for a Hearing ~~Level II Hearings~~
510.90 Impartial Hearings Officers
510.100 Informal Resolution Conference ~~Conduct of Level II Hearings~~
510.103 Mediation Process for the Vocational Rehabilitation Programs
510.105 Conduct of ~~Level II~~ Hearings
510.110 Associate Director's Review for Residential/Training Programs for Persons with Visual Impairments
510.115 Associate Director's Decision for Hearings Regarding a Blind Vendor
510.120 Exhaustion of Administrative Remedies

AUTHORITY: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; emergency amendment at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20296, effective November 15, 1993; amended at 20 Ill. Reg. 8505, effective June 17, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. _____, effective _____.

Section 510.5 Scope and Purpose

- a) This Part governs the appeals process for customers of the Department of Human Services-Office of Rehabilitation Services (DHS-ORS). Specifically this Part covers hearings of grievances under various DHS-ORS programs, including Vocational Rehabilitation Services, Home

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Services, the Vending Facility program for the Blind, Community and Residential Services for the Blind and Visually Impaired, and issues concerning school records and sex equity related to DHS-ORS State Schools.

- a) This Part governs the appeals process for customers of the Department of Human Services-Office of Rehabilitation Services (DHS-ORS). This Part covers hearings of grievances under various DHS-ORS programs. Therefore, care must be taken to read this Part in its entirety for exceptions to general provisions for specific types of hearings.
- b) The Level I hearing is the first step in the appeals process and is designed to provide a customer with a prompt informal review of a determination made in furnishing or denying of services to the grievant. The Level I hearing may result in a mutual resolution of the grievances. If no resolution is reached within the applicable time frames, the Level I Hearing Officer issues a brief written decision which is binding on DHS-ORS. If dissatisfied with that decision, the grievant may request a Level II hearing so that his/her grievance may be considered.
- c) The Level II hearing is an appeal of a determination made by a counselor or other DHS-ORS officer or employee concerning the furnishing or denial of services or other appealable issues as listed in Section 510.20. If the grievant is a customer of the Vocational Rehabilitation (VR) Program or a vendor in the Vending Facilities Program for the Blind, the Level II hearing may be the first step in the appeals process (see Section 510.10(b)).
- d) The Level II hearing is a de novo adjudicatory proceeding which is conducted by an impartial (Level II) Hearing Officer. The Level II Hearing Officer is responsible for considering the testimony and evidence presented by the grievant, or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer, and representatives of DHS-ORS, and making a decision based upon the evidence and applicability of federal and state law and regulation. The Level II Hearing Officer's decision is final, but subject to review by the DHS-ORS Associate Director (see Section 510.110) after notice to the grievant, who will be given an opportunity to submit additional evidence and information relevant to the decision.
- e) The Level II decision or Associate Director's Review decision may be reviewed in court.
- f) The grievant and DHS-ORS may informally agree to resolve disputed issues at any time during the appeal process prior to the issuance of a Level II hearing decision.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.10 General Information

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) Definitions

For the purposes of this Part, the following terms shall have the following meanings:

"Associate Director" means the Associate Director of the Office of Rehabilitation Services within the Department of Human Services ~~head of the designated State unit for vocational rehabilitation~~ (DHS-ORS).

"Client Assistance Program" (CAP) means a program funded by the federal Rehabilitation Act to provide assistance in informing and advising all customers and applicants of all available benefits under the federal VR Act and upon request of such a customer to assist in the customer's relationship with projects, programs and services provided by the VR Act. CAP services can include assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the customer's rights under the Act.

"Customer" means any individual who has requested, been referred to, applied for, or is receiving services from DHS-ORS (except from the Bureau of Disability Determination Services), or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer.

"Days" unless otherwise specified, means working days, i.e., Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.

"DHS-ORS" means the Department of Human Services - Office of Rehabilitation Services and does not include any contractor, grantee, nominee agency, or service provider.

"Grievant" means any customer, ~~any person who has been determined by DHS-ORS to have mispent funds, as specified in 89 Ill. Adm. Code 527- Recovery of Misspent Funds~~, or licensed vendor, as specified in 89 Ill. Adm. Code 650+ (Vending Facilities Program for the Blind) who has been aggrieved by any action or inaction by DHS-ORS.

"Hearing" means an administrative hearing of the appeal of the grievant as set forth in Section 510.105 and presided over by an Impartial Hearing Officer.

"Hearings Coordinator" means the DHS-ORS Chief, Bureau of Administrative Hearings ~~Manager--Division--of--Regulations--and Procedures~~, who is responsible for communicating with grievants about their appeal requests, docketing and scheduling ~~Bevel--Hearings~~, and coordinating the appointment of Impartial Bevel--Hearing Officers.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"~~inaction~~" means the failure of DHS-ORS to act within 60 calendar days on a referral of any individual for services or on a request for a change in service or to make an eligibility determination for a customer who has applied for services within the time lines specified for the program to which he/she has applied or upon an application for services.

"~~Bevel--Hearing~~" means a hearing at the first level of appeal by a grievant, as set forth in Section 510.70 and presided over by a ~~Bevel--Hearing Officer~~.

"~~Bevel--Hearing Officer~~" means the DHS-ORS employee who conducts the ~~Bevel--Hearing~~ as set forth in Section 510.90(a).

"~~Bevel--Hearing~~" means a hearing at the second level of appeal by a grievant, as set forth in Section 510.80 and presided over by a ~~Bevel--Hearing Officer~~.

"Impartial ~~Bevel--Hearing Officer~~" means the individual appointed an ~~Impartial Hearing Officer~~ selected to conduct the ~~Hearing Bevel--Hearing~~ as set forth in Section 510.90(b).

"~~Inaction~~" means the failure of DHS-ORS to act within the time lines specified by the program to which a customer has applied for services to make an eligibility determination or to act on a request for any change in services unless an extension of time has been agreed to in writing by the customer or necessitated by the VR customer's participation in a trial work period.

"Informal Resolution Conference" means an attempt to informally resolve an appeal by the grievant and DHS-ORS, as set forth in Section 510.100.

"Mediator" means an individual who is qualified in mediation and knowledgeable of the laws and regulations relating to the provision of vocational rehabilitation services.

"Personal representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings contained in this Part, as set forth in subsection (b)(4) of this Section and Section 510.100(c).

"Schools" means the three State Schools operated by DHS-ORS: Illinois Center for Rehabilitation and Education-Roosevelt (formerly known as the Illinois Children's School--and--Rehabilitation Center), the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Services" means services provided directly or purchased by DHS-ORS as set forth in 89 Ill. Adm. Code Chapter IV, Subchapters B7 (Vocational Rehabilitation (VR)), C7 (Vocational Related Programs), D7 (Home Services Program (HSP)), E7 (Community and Residential Services for the Blind and Visually Impaired (CRSBI)) and H7-Totat-Bife Planning.

"Working Days" means Mondays through Fridays, excluding State state established holidays or days on which government offices are closed by order of the Governor.

b) General Provisions

- 1) A grievant who is not satisfied with an action taken by DHS-ORS, or with the failure of DHS-ORS to take action, is entitled to a ~~Bevel--x~~ hearing. A customer of the Vocational Rehabilitation program may also request mediation.
- 2) ~~If the grievant is a customer of the VR program or a licensed vendor in the Vending Facilities Program for the Blind, a Bevel--x hearing is optional. These grievants have the right to request that the grievance first be heard at a Bevel--x hearing.~~
- 2)3) Any and all notices and communications to DHS-ORS made pursuant to this Part should be in writing. Nonwritten communications will be accepted if the information required in subsection (b)(57) of this Section--below is provided. All nonwritten communications shall be documented by DHS-ORS.
- 3)4) A grievant may appoint a ~~personat~~ representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant may only designate one ~~personat~~ representative at a time. The designation must be in writing or on the record.
- 4)5) All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days after ~~from~~ the date of postmark or on the day of delivery for hand delivered items), or, if a nonwritten ~~non-written~~ form of communication, on the date of receipt.
- 5)6) A request for a hearing ~~An appeal~~ by any person not a "grievant" cannot be heard by DHS-ORS pursuant to this Part.
- 6)7) The request for a hearing ~~an appeal~~ should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DHS-ORS to identify the specific action or inaction that is being appealed.
- 7)8) Should a grievant improperly request an appeal and other procedures for appeal are available, DHS-ORS will advise the grievant of the proper appeal process.
- 8)9) Failure of a grievant to follow procedures as set forth in this

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Part or failure to request an appeal within the specified time frames found in Section 510.80 shall result in dismissal of the appeal except if the failure to follow procedure was a result of DHS-ORS failure to provide required notice or information.

- 9) After a request for a hearing is filed, the grievant or DHS-ORS may initiate attempts to resolve the grievance informally. The grievant and the appropriate DHS-ORS employee may agree to resolve disputed issues, at any time during the appeals process, prior to the issuance of the hearing decision. If prior to the hearing there is mutual agreement on an issue under dispute, this will remove the need for a hearing on that issue.

- 10) DHS-ORS, and the Department of Public Aid in the case of HSP ~~Bevel--x~~ hearings, will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40(b), and record, pursuant to Section 510.80(e)) but will not assume cost personally incurred by the grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.20 What May Be Appealed

The following may be appealed under this Part:

- a) DHS-ORS' refusal to provide any service which it is authorized to provide;
- b) modification of any service currently provided to the customer by DHS-ORS, termination of a service or case closure, unless agreed to upon by the customer and DHS-ORS;
- c) a determination that a customer is ineligible for services;
- d) issues related to sex equity ~~at~~ and DHS-ORS schools, set forth in 89 Ill. Adm. Code 829;
- e) refusal of the schools to permit modifications to a student's records, set forth in 89 Ill. Adm. Code 765.60(a)(1);
- f) ~~collection of mispent funds; set forth in 89-iii-Adm-Code-527;~~
- f)g) inaction of DHS-ORS employees as defined in Section 510.10;
- g)h) dissatisfaction of a licensed vendor in the Vending Facilities Program for the Blind with any action of DHS-ORS arising from the administration of the Vending Facilities Program for the Blind; and
- h)j) dissatisfaction of a customer of the CRSBVI program ~~as set forth in 89 Ill. Adm. Code 730, Subpart D, and~~
- j) ~~matters concerning the conduct of customers in the adult residential training program for individuals with visual disabilities; as set forth in 89-iii-Adm-Code-730-Subpart-B.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 510.30 What May Not Be Appealed

The following may not be appealed under this Part:

- a) changes in services or procedures over which DHS-ORS exercises no discretion or control;
- b) changes in services or procedures which are mandated by federal or State state law or regulation;
- c) failure to provide services which DHS-ORS, in accordance with federal or State state law, regulations, and the State VR Plan or other plans submitted to the federal government by DHS-ORS as a condition of receiving federal funding cannot provide;
- d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code 828.---Chapter--IV,---Subchapter--f (Educational Facilities), except as set forth in Section 510.20(d) and (e);
- e) all recommendations for decisions and procedures for the adjudication of benefits under the federal Social Security Act which are made by DHS-ORS under its authority from the United States Department of Health and Human Services, Social Security Administration, as set forth in 89 Ill. Adm. Code 650;
- f) issues challenging related to the legality of DHS-ORS rules;
- g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 827;
- h) student discipline, as set forth in 89 Ill. Adm. Code 650;
- i) DHS-ORS findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530-Subpart-A;
- j) a grievance which has already been decided through the appeal process as set forth in this Part;
- k) an action taken by DHS-ORS which does not affect the grievant (e.g., a customer wishing to appeal DHS-ORS terminating sponsorship of another customer in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 590.270 592-88);
- l) a grievance filed under the Americans with Disabilities Act (42 USC 12101); and
- m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.40 Grievant Rights

- a) DHS-ORS shall must make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:

- 1) upon application for services;
- 2) upon denial of application;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) after the initiation, or change, of services;
 - 4) upon termination of a service;
 - 5) upon closure;
 - 6) after a determination that funds have been misspent;
 - 6) upon enrollment in a DHS-ORS school; and
 - 7) upon entrance into the Vending Facilities Program for the Blind.
- The grievant may request an interpreter or reader, either sign (if the grievant receives on sign language is the grievant's as his/her usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. The request should be made 10 days before the date of the hearing. A visually impaired grievant may either request a reader to read materials provided by DHS-ORS in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 5 2 working days after of being informed of the date of the hearing their rights under this Part, which should occur when the appeal is requested.
- c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.
 - d) If the grievant is a customer of the VR Program (89 Ill. Adm. Code: Chapter IV, Subchapter b), HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d) or CRSVI program, or the adult training program for persons with visual disabilities (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of the DHS-ORS Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. DHS-ORS must inform the customer of this right at the time of request for services, application and referral for services and at service initiation or modification, and at closure, as well as when the grievant requests a hearing.
 - e) After a request for a hearing is received by DHS-ORS, the grievant will be provided with written notification of the grievant's right to:
 - 1) review the case file and other related documents;
 - 2) be represented by a personat representative during any informal resolution conference at a level hearing in accordance with Section 510.100(de), during any mediation process pursuant to Section 103(h) or at a level hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);
 - 3) an explanation of the appeal process as set forth in this Part;
 - 4) decline to appear for a level or hearing, in which case a review of the case file and any new evidence or information submitted by the grievant will be examined and a decision made based on that review by the Impartial Hearing Officer;
 - 5) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;
 - 6) a timely and impartial hearing;
 - 7) confidentiality of these proceedings, as set forth in 89 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Adm. Code 505.10 and pursuant to either Section subsection 510.100(a), 510.103(a) or 510.105(a);
- 8) a continuation of services, as set forth in Section 510.60(e); and
- 9) have DHS-ORS employees involved in the appealed action present at the hearing or any informal resolution conference, and to question them, with the exception listed in Sections 510.100(e)(4) and 510.105(g)(2).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.50 DHS-ORS Rights

DHS-ORS ~~BORS~~ has the right to:

- refuse to hear appeals pursuant to Section 510.30;
- have a DHS-ORS attorney present at any hearing;
- cooperation by the grievant;
- publish hearing summaries, with deletions as necessary to ensure confidentiality; and
- consolidate into a single for hearing all issues relating to a grievant or an issue raised by to several grievants which arise out of the same set of facts and circumstances.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.60 Service Notice

- This Section applies to VR and HSP customers only.
- When an individual applies for VR or HSP services from DHS-ORS, the individual must be informed that DHS-ORS notifies customers whenever it denies, modifies or terminates a service or services, if not mutually agreed upon; and of the right to action within 60 calendar days after a from request for an application. DHS-ORS must send the customer a service notice at least 15 working days before the effective date of the action.
- Any action mutually agreed upon must be so documented in the customer's case file.
- The service notice must:
 - contain the name, address and telephone number of the person to whom the request for a hearing ~~the-level-i~~ hearing must be made (the--supervisor--of--the--staff--who--made--the--decision--being appealed--or--if--that--person--was--involved--in--the--decision--that person's supervisor;
 - outline the action;
 - state the basis for the action;
 - give the effective date of the action; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- inform the customer of the right to a ~~level-i~~ hearing in the matter ~~or--that--if--a--customer--of--the--VR--program--chooses--he/she may proceed to level-ii~~; and of the specific means of initiating the ~~level-ii~~ hearing.
- For issues related to the disposition of services during the hearing process, the customer must also be advised that DHS-ORS will continue to provide the disputed services until DHS-ORS final decision has been rendered unless:
 - the services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer;
 - the service has been planned but not commenced; or
 - the customer, or as appropriate, the customer's parent, family member, guardian, advocate or duly authorized representative, requests the service be terminated. Continuances in the proceeding shall not be issued for the purpose of extending services.

f) A service which is the subject of an appeal will not continue if the change is:

- initiated by the customer;
- unilaterally initiated by a service provider other than DHS-ORS;
- planned or authorized, but not commenced; or
- contraindicated on the basis of medical or psychological information contained in the customer's case record.

g) In no event will a disputed service continue past the planned ending date on the Individualized Plan for Employment INBIVBBAHBBB (IPE) WRITTEN--REHABILITATION--PROGRAM--(IWRP) for VR and CRSBVI customers unless the customer and counselor agree to an extension IPE to be in effect pending the outcome of the hearing ~~or--100--days--from--the--date of--the--service--notice--for--HSP--customers--for--HSP--customers--the length--of--time--for--any--delay--or--continuance--caused--or--requested--by DHS-ORS--BPA--or--made--by--mutual--agreement--will--be--added--to--the--100 day--period--during--which--services--will--continue--Any--delays--or continuances--caused--or--requested--by--a--grievant--will--not--extend--this period.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.70 Level I Hearings (Repealed)

- A grievant may request a ~~level-i~~ hearing by asking ~~BHS-ORS--(e-g-r7 counselor--supervisory--etc.)--or--by--filing--out--a--REQUEST--FOR--HEARING (H-480-1948)--and--submitting--it--to--BHS-ORS--~~
- A grievant must request a ~~level-i~~ hearing within the following time limits:
 - for grievances relating to the VR Program or HSP, the request for a ~~level-i~~ hearing must be received within 15 working days of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

receipt-of-any-written-notice---Requests-for--hearings--for--
grievances-of-issues-for-which-notice-has-not-been-sent--(e-g-7
BHS-ORS-inaction)-must-be-received-within-15-working-days-of-the
date-the-grievant-knew-or-should-have-known-of-the-issue-being
grieved-or--20-working-days-from-the-date-of-the-postmark-on-the
notice-if-the-customer-was-informed-by-mail;

2) for-grievances-relating-to-bidding-for-an-available-vending
facility-location--(89-ILL-Adm. Code 650.600)-the-request-must
be-made-within-5-working-days-of--the-date-of--receipt-of--the
notice-of-selection-by-the-grievant?

3) for-grievances-relating-to-the-conduct-of-a-customer-of-the-adult
residential--training--program--for--persons--with--visual
disabilities-the-request-must-be-received-within-2-working-days
after-the-grievant-learns-of-the-disciplinary-action-imposed-or
4) for-grievances-related-to-misspent-funds-the-grievant-may
request-a-hearing-within-15-working-days-of-the-receipt-of--the
written-notice-of-intended-recovery;

e) A-request-by-a-grievant-of--the-VR-Program-for-a-level-I-hearing
signifies-agreement-to-an-extension-of--the-federally-mandated--time
period-of--45-calendar-days-for-the-conclusion-of-a-level-II-hearing
which-times-shall-commence-on--the-date--the-level-II-hearing--is
requested-

d) The-level-I-hearing-must-be-scheduled-for-between-10-and-15-working
days-of-the-date-of-receipt-of-the-request-for-the-hearing-at--a-time
and--date-convenient-to-all-parties-The-grievant-must-be-informed-in
writing-by-the-level-I-Hearing-Officer--within-5-working-days--of
receiving--the-request-of-the-date-time-location-name-address-and
telephone-number-of-the-level-I-Hearing-Officer--and--of--all--rights
accorded-under--this--part--the-level-I-hearing-shall-be-held-in-the
local-BHS-ORS-facility-unless-in-the-request-the-grievant--indicates
that--due-to-his/her--disability-he/she-cannot-attend-at-the-local
BHS-ORS-facility--if-the-grievant-cannot-attend-the-level-II-hearing
in--the-local-BHS-ORS-facility--the-hearing-shall-be-held-in-the
grievant's-home-

e) If-the-grievance-pertains-to-the-conduct-of-a-customer--in--the-adult
residential-training-program-for-persons-with-visual-disabilities-the
hearing--must-be-scheduled-between-3-and-5-working-days-after-the-date
of-receipt-of-request-for-the-hearing--The-grievant-must-be-informed
by-the-level-I-Hearing-Officer-within-2-working-days-after-receiving
the-request-for-the-level-I-hearing-of-the-name-and-address-of--the
level-I-Hearing-Officer--and-of-all-rights--accorded-the-grievant-under
this-part-

f) Within-10-working-days-after-adjudgment-of-the-level-I-hearing-the
level-I-Hearing-Officer-shall-send-the-decision-in-writing--to--the
grievant--or--as-appropriate--the-parent-family-member-guardian
advocate-or-duty-authorized-representative-and-the-BHS-ORS-Hearings
Coordinator--The-decision-must-contain:

1) a-statement-of-the-basis-upon-which-the-decision-was-made;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

2) the-applicable-laws-and-policies-used;
3) the-name-address-and-telephone-number-of-the-BHS-ORS-Hearings
Coordinator;
4) a-statement--that--if--the-grievant-is-dissatisfied-with--the
decision--a-level-II-hearing-may-be-requested-by-submitting-a
request-to-the-BHS-ORS-Hearings-Coordinator-no-later--than--15
working-days--of--the-date--the-level-I-hearing-decision-was
received; and

5) a-statement-that-the-decision-rendered-as-a-result-of-the-level-I
hearing-shall-become-final-20-working-days-after-the-date-of--the
postmark-on--the--decision-letter-unless-the-grievant-requests-a
level-II-hearing-

g) If-the-grievance-pertains-to-the-conduct-of-a-customer--in--the-adult
residential--training--program--for--persons--with--visual-disabilities-
within-2-working-days-after-adjudgment-of-the-level-I-hearing--the
level-II-Hearing-Officer-shall-inform-the-grievant-of-the-decision-by
telephone-and-shall-provide-written-confirmation-to--the-grievant
within-7-working-days--The-decision-must-contain:

1) a-statement-of-the-basis-upon-which-the-decision-was-made;

2) the-applicable-laws-and-policies-used;

3) the-name-address-and-telephone-number-of-the-BHS-ORS-Hearings
Coordinator;

4) a-statement--that--if--the-grievant-is-dissatisfied-with--the
decision--a-request-for-a-level-II-hearing-must-be-received-by
the-BHS-ORS-Hearings-Coordinator-within-2-working-days--from--the
date-of-the-telephone-call-on-the-level-I-hearing-decision--and
5) a-statement--that--the-decision-rendered-as-a-result-of-the-level-I
hearing--shall-become-final-3-working-days-after-the-date-of-the
postmark-on-the-decision-letter-unless-the-grievant-requests-a
level-II-hearing-

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 510.80 Request for a Hearing Level-II-Hearings

a) If a customer is dissatisfied with any determination made by DHS-ORS concerning the furnishing, timeliness or denial of services, he/she may request a timely review of these determinations. This request for a hearing shall be made through the Hearings Coordinator or by completing a request for hearing (IL 488-1949) and presenting it to DHS-ORS.

a) If-the-grievant-is-not-satisfied-with-the-level-I-decision--or--has
chosen-not-to-request-a-level-I-hearing-pursuant-to-Section-510-10(b)-
he/she-may-request-a-level-II-hearing-through-the-Hearings-Coordinator
or-by-completing-a-REQUEST-FOR-HEARING-(IL-488-1948)-and-presenting-it
to-BHS-ORS-

b) A grievant must request a level-II hearing within the following time

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) acknowledging the request for the hearing;

2) stating the date, time and location for the hearing;

3) stating the name and address of the individual who shall act as the Impartial Hearing Officer, or, for level-I hearings arising from HSP, the address of the Department of Public Aid Assistance Hearings Section, which shall, pursuant to Medicaid Regulations, assign a Hearing Officer;

4) containing a statement of the issue(s) being grieved; and

5) informing the grievant of the rights accorded him/her under this Part;

6) informing the grievant of the options of the informal resolution conference and, for vocational rehabilitation customers, of the Mediation Process; and

7) directing the grievant to the proper individual to whom to direct the request for these options per Sections 510.100 and 510.103 of this Part.

e) if the level-I hearing is held after a level-I hearing, only those issues presented at the level-I hearing shall be heard;

f) DHS-ORS shall make an audio tape recording of the level-I hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an audio tape is not an accessible format for the grievant, upon request of the grievant, DHS-ORS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.

g) The official record of the level-I hearing shall consist of:

1) all pleadings, motions, and rulings;

2) evidence, including testimony and exhibits;

3) a statement of matters officially noticed;

4) offers of proof;

5) objection and rulings thereon;

6) the Impartial Hearing Officer's decision; and

7) if applicable, documents and decision from an Associate Director's Review (Section 510.110).

h) For grievances arising from the VR Program, findings of fact and the decision, prepared by the Impartial Hearing Officer, will be mailed within 15 working days after the adjournment of the level-I hearing. The decision of the Impartial Hearing Officer shall be binding on DHS-ORS. DHS-ORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days after its receipt. No employee of DHS-ORS shall interfere with the implementation of the decision.

i) For grievances pertaining to the conduct of a customer in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within 2 working days after the adjournment of the level-I hearing.

j) For a grievance arising from the selection of a vendor for a vending location in the Vending Facilities Program for the Blind, the Impartial Hearing Officer shall submit his/her recommended

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

limits:

1) if the request is for a level-II hearing after a level-I hearing on the same matter, it must be received within 15 working days from the date of receipt of the level-I hearing decision;

2) if the request is for review of an action by DHS-ORS VR program or HSP, for which there has not been a level-I hearing pursuant to Section 510-10(b), it must be received within 30 calendar working days after the date the grievant receives notice, or knew or should have known of the issue being grieved, or 35 calendar 20-working days after from the date of the post mark on the notice, if the customer was informed by mail, whichever is later;

3) if the request relates to an available vending facility location and there has not been a level-I hearing, it must be made within 5 working days after receipt by the grievant of the notice of selection; or

4) if the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the date of the action or inaction being grieved. Level-I hearing decision, and propose one hearing date which shall be within 5 working days after the request; or

5) if the issue involves collection of missed funds, the request must be made within 35 calendar days from the receipt of the written notice of the intent to recover per Section 8 of the Illinois Grant Funds Recovery Act (40-ILCS-705/8).

c) The request for a hearing must state whether the grievant is unable to attend a hearing in the local DHS-ORS facility due to the grievant's disability. The Hearings Coordinator will contact the grievant or, as appropriate, the grievant's representative to determine a mutually acceptable date for the hearing. Except as set forth in Section 510.80(1)(3) and as specified by the Department of Public Aid for HSP hearings, in no case shall the hearing be held later than 45 calendar days after receipt of the grievant's request. Must, except as set forth in Section 510-80(b)(4), propose 4 acceptable dates for the hearing which shall be within 20 working days of the request and state whether the grievant is unable to attend a hearing in the local DHS-ORS facility due to his/her disability, in which case it will be held in the grievant's home; if none of the dates are acceptable to DHS-ORS, the Hearings Coordinator will notify the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative, to determine a mutually acceptable date. In no case shall the level-II hearing be scheduled later than 45 calendar days of the grievant's request.

d) At least 30 days prior to the scheduled date of the hearing, within 5 working days of receipt of the request for a level-II hearing, DHS-ORS Hearings Coordinator shall send the grievant a letter, certified mail, return receipt requested:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

decision to the Associate Director within 15 days after of the date of adjournment of the hevel hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Associate Director shall mail the final decision on the appeal grievance to the grievant, and as appropriate, the grievant's representative, within 5 working days after of receiving the Impartial Bevel Hearing Officer's recommendation. The Associate Director's decision shall state the principal issues and relevant facts brought out at the Bevel hearing, pertinent provisions in law and DHS-ORS policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), and the effective date of the decision and shall have attached a copy of the Impartial Bevel Hearing Officer's recommendation recommendations.

1) For Bevel hearings arising from HSP, in addition to the other provisions contained in this Part, the following procedures shall apply:

- 1) after receipt of the request for the Bevel hearing, pursuant to Section 510.80(b)(1), the DHS-ORS Hearings Coordinator shall forward the request to the DPA Assistance-Hearings-Section which, pursuant to Medicaid Regulations, shall have administrative authority over all Bevel hearings arising from HSP;
- 2) the Bevel hearing shall be conducted by an Impartial Hearing Officer approved appointed by DPA;
- 3) DPA's rules, as set forth at 89 Ill. Adm. Code 104.1, shall apply, except 89 Ill. Adm. Code 104.10, 104.11, 104.20, 104.21, 104.70 and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;
- 4) DPA, DHS and the Impartial Hearing Officer shall make any reasonable accommodation necessary to ensure that the customer is able to file an appeal and participate in the hearing all notices and communications made pursuant to this Section must be in writing, unless the grievant is unable to communicate in writing. All non-written communication shall be directed to the DHS-ORS Hearings-Coordinator who shall relay the communication to the DPA Assistance-Hearings-Section or DPA Impartial Hearing Officer, as appropriate, in such instances, the Hearings-Coordinator shall document such communication in the grievant's hearing file; and the hearing shall be held in the local DHS-ORS BPA office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DHS-ORS BPA office. In such instances, the hearing shall be held in the grievant's home.
- 5) The decision of the Bevel hearing officer shall be binding on DHS-ORS unless the Associate Director sends a Notice of Intent to Review as specified in Section 510.110(a). DHS-ORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days of its receipt. No employee of DHS-ORS shall interfere with implementation of the decision.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.90 Impartial Hearing Officers

a) The Bevel hearing officer must be the supervisor of the DHS-staff person who has taken the action being grieved, or that person's supervisor pursuant to Section 510.60(d), except for hearings to modify school records per 89 Ill. Adm. Code 765.60(a)-(f) and hearings to resolve school sex equity issues pursuant to 89 Ill. Adm. Code 829.7, which must be heard by the school superintendent or his/her designee or, if the grievance pertains to the conduct of a customer at the adult residential training program for persons with visual disabilities, the Bevel hearing officer must be the employee designated by the Deputy Director of the Bureau of Blind Services to hear such grievances.

a) b) A Bevel hearing must be heard by an individual randomly selected from the list of DHS-ORS approved Impartial Bevel Hearing Officers and designated by the Associate Director except:

- 1) for grievances arising from modification of school records or school sex equity, the Impartial Bevel Hearing Officer shall be the DHS-ORS Deputy Director of Education the Bureau of Rehabilitation Services or his/her designee; and
 - 2) for grievances arising from HSP, the Impartial Bevel Hearing Officer shall be approved appointed by DPA.
- b) c) If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the Impartial Bevel Hearing Officer selected to conduct the hearing is biased against the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least 5 working days prior to the Bevel hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Impartial Bevel Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based.

c) d) When an affidavit, as described in (b) above, is received, the DHS-ORS Hearings Coordinator shall assign another individual to serve as the Impartial Bevel Hearing Officer if it is determined by the DHS-ORS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.

d) e) The Impartial Bevel and Bevel Hearing Officer has the power to:

- 1) control the conduct of the hearing to prevent irrelevant or immaterial discussion;
- 2) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

the next step of the appeal process.

The informal resolution of the issue or some of the issues, or with the agreed upon resolution of the issue cannot be resolved and the grievance should proceed to hearing. At the conclusion of the informal resolution process, the DHS-ORS staff person chairing the conference shall reduce any mutually agreed upon resolutions to writing. The confirmation of the agreement must be signed by both the grievant and the chair. The confirmation must also include the agreement of the customer to withdraw the grievance on the agreed issues. The agreement should list all agreed issues and all outstanding issues. Unless circumstances prohibit, the agreement should be reduced to writing while all parties are still there. If the disputed issue is resolved, the parties should inform the Hearings Coordinator to withdraw the grievance.

All parties involved in the hearing must avoid delay so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant representative or DHS-ORS employee involved in the action or severe weather) be continued by the Level I Hearing Officer. In the absence of an emergency, a request for a continuance must be made to the other party and the Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency, if the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Hearing Officer no less than 1 working day prior to the original hearing date.

- e) Evidence
- 1) The relevant portions of the case file may be introduced into evidence, and DHS must provide a copy to the grievant 3 working days before the hearing. However, only information from the grievant's case file bearing directly on the issue under review per Section 510.207 may be considered.
 - 2) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.
 - 3) The Level I Hearing Officer may not consider any information that has not been made available to the other party. The parties may stipulate as to the admissibility of evidence not submitted to the other party at least 3 working days prior to the hearing.
 - 4) DHS-ORS employees directly involved in contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DHS-ORS and declines to attend the hearing after DHS-ORS has made a

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- objection concerning the admissibility of evidence;
- 3) examine any of the witnesses at any time or request additional information from either party; and
 - 4) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, paper and accounts the Impartial Hearing Officer deems material or relevant to any issue.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.100 Informal Resolution Conference Conduct of Level I Hearings

- a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless the grievant so requests.
- b) The Informal Resolution Conference Level I hearing is an informal review of the decision with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures [735 ILCS 5] do not apply.
- c) A grievant may request an Informal Resolution Conference, in the period between the filing of the appeal and the hearing decision, by contacting the office out of which the grievant receives services.
- d) The grievant may choose to have a personal representative present at the conference hearing.
- e) If the grievance pertains to the customer's VR program or HSP, the supervisor of the DHS-ORS employee whose action is being grieved must schedule and chair the informal resolution conference at a time and date convenient to all parties. For grievances by a blind vendor, the chair shall be the Administrator or that person's supervisor. The grievant must be notified of the name, address and telephone number of the DHS-ORS employee chairing the meeting. The informal resolution conference shall be held in the local DHS-ORS facility unless, in the request, the grievant indicates that due to the grievant's disability the grievant cannot attend at the local DHS-ORS facility. In this case the conference shall be held in the grievant's home.

- f) During the informal resolution conference the chair should:
- 1) initiate the conference with an opening statement explaining the purpose of the conference;
 - 2) assist the parties in determining and clarifying the issues;
 - 3) facilitate a fair and complete presentation and discussion of relevant information, both oral and written;
 - 4) as appropriate, summarize the positions of the grievant and DHS-ORS;
 - 5) provide an opportunity to discuss settlement or agree on a course of action; and
 - 6) if no resolution is reached, assure the grievant is made aware of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

- 5) the grievant and DHS-ORS may call any person as a witness who may have relevant information.

f) the grievant shall have the responsibility to prove by a preponderance of the evidence that the action or inaction by DHS-ORS was unlawful against DHS-ORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700) or inappropriate for the customer. The Level I Hearing Officer shall inform the grievant of this requirement at the beginning of the hearing.

g) the proceedings should be conducted in the following manner:

- 1) an opening statement by the hearing officer explaining the process and the purpose of the Level I hearing;

2) determination and clarification of the issues and consideration of any other preliminary matter;

3) a fair and complete presentation and discussion of all the evidence, both written and oral, which is related to, and addresses, the issues by the grievant and DHS-ORS;

4) summary of positions by the grievant and DHS-ORS, if requested;

5) closing statement by the hearing officer, which will provide an opportunity to discuss settlement or agree on a course of action.

h) A hearing will not be adjourned until the Level I Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

i) The Level I Hearing Officer may take one of several courses of action, which include, but are not limited to the following:

- 1) negotiate a course of action which is mutually agreed upon by the grievant and DHS-ORS to resolve the matter in dispute, which shall be written up as a settlement agreement, including a withdrawal of the appeal;

2) accept a settlement of the issues agreed to by the grievant and DHS-ORS, which must include a written withdrawal of the appeal;

3) issue a decision finding in favor of the grievant in whole or in part;

4) issue a decision upholding the determination or action of DHS-ORS in whole or in part; or

5) accept a withdrawal of the appeal confirmed in writing signed by the grievant or, as appropriate, by a parent, family member, guardian, advocate or duly authorized representative of the grievant.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.103 Mediation Process for the Vocational Rehabilitation Program

- a) Every proceeding pursuant to this Section is to be confidential and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

may not be used as evidence in any subsequent due process hearing or civil proceeding. If deemed necessary by the assigned qualified and impartial mediator, parties to the mediation process may be required to sign a confidentiality pledge prior to commencement of the process. The customer shall be informed of the availability of the Mediation Process each time the customer is advised of the right to appeal. The mediation process is available whenever a hearing concerning vocational rehabilitation services is requested under this Part. The mediation process shall be voluntary on the part of the parties and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

d) DHS shall maintain a list of qualified mediators who shall be knowledgeable in the laws and regulations relating to the provisions of vocational rehabilitation services. Mediators shall be selected from this list.

e) The customer may request the assignment of a mediator to resolve the issues in dispute by contacting the Hearings Coordinator. The Hearings Coordinator shall assign the mediator from the list of qualified mediators maintained by DHS.

f) Sessions held as a part of the Mediation Process shall be scheduled in a timely manner and shall not delay the scheduled hearing. Mediation sessions shall be scheduled by the mediator.

g) The mediation sessions shall be held at a location convenient to all parties.

h) The customer or, as appropriate, the customer's representative may submit evidence and information to support the position of the customer. The Department may also submit evidence and information that supports its position.

i) Any agreement reached by the parties during the mediation process shall be set forth in a written mediation agreement signed by both parties.

j) Nothing in this Section shall be construed to preclude the parties from informally resolving the dispute prior to proceedings under this Section.

k) The cost of the mediator shall be paid by DHS-ORS.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 510.105 Conduct of Level II Hearings

a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless requested to be so by the grievant.

b) Procedures set forth in the Code of Civil Procedure (735 ILCS 5), except as provided in subsection (g) of this Section, do not apply to the procedures contained in this Section.

c) The grievant must notify DHS-ORS Hearings Coordinator of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

appointment of a personal representative by filing, no later than 3 working days in advance of a hearing, a notice of appearance stating the personal representative's name, address and telephone number, identifying the grievant represented, and signed by the grievant. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such notice must be made no later than 1 working day in advance of the hearing. Such notice must be accompanied by appropriate consent to the release of confidential information to the personal representative, if one is not already on file.

d) At least 3 working days prior to the hearing, the grievant and the DHS-ORS staff person who has taken the action being grieved must provide each other and the Impartial Hearing Officer with a list of witnesses, copies of documents not in the possession of the other party, and a summary of the evidence which they plan to present at the hearing. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.

e) All parties involved in the hearing must avoid repetitive continuances so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DHS-ORS employee involved in the action or severe weather) be continued once by the Impartial Hearing Officer. In the absence of an emergency, notice of the request must be given in writing to the other party and the Impartial Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency if the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Impartial Hearing Officer no less than 1 working day prior to the original hearing date. The granting of continuances for Hearings arising from HSP shall be governed by DPA.

f) The grievant shall have the responsibility to prove by the preponderance of the evidence that the action or inaction by DHS-ORS was unlawful, against DHS-ORS policy, not in accordance with the grievant's IFE HRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 684 700), or inappropriate for the customer. The Impartial Hearing Officer shall inform the grievant of this requirement at the beginning of the Hearing hearing.

g) Evidence

1) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed except that any relevant evidence not admissible under those rules of evidence which is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, has probative value, and is relevant and material to the facts and issues may

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

be admissible.

2) DHS-ORS employees directly involved in the contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DHS-ORS and declines to attend the hearing after DHS-ORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

3) Only information bearing directly on the issue under review, per Section 510.20, may be introduced from the grievant's case file. The Impartial Hearing Officer may not consider any information that has not been made available to the other party.

4) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing.

5) The grievant and DHS-ORS may call any person as a witness and conduct examination and cross-examination.

6) The grievant and DHS-ORS may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.

h) The following is the order of the proceedings:

- 1) presentation, arguments, and disposition of all preliminary motions and matters;
- 2) opening statement;
- 3) evidence presented by the grievant;
- 4) evidence presented by DHS-ORS;
- 5) rebuttal by either or both sides;
- 6) closing statements by the grievant;
- 7) closing statements by DHS-ORS; and
- 8) rebuttal by grievant.

i) A hearing will not be adjourned until the Impartial Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

j) The Impartial Hearing Officer may take one of several courses of action in making a decision, which include, but are not limited to the following:

- 1) find in favor of the grievant;
- 2) uphold the determination or action of DHS-ORS;
- 3) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, which must be filed with the Hearings Coordinator;
- 4) accept a settlement of the issues agreed to by the grievant and DHS-ORS which must include a written withdrawal of the appeal, which must be filed with the Hearings Coordinator.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 510.110 Associate Director's Review for Residential/Training Programs for Persons with Visual Impairments

The Associate Director may review an Impartial Hearing Officer's decision that pertains to the conduct of a customer in the adult residential training program for persons with visual impairments. The Notice of Intent to Review shall be issued within 7 working days after the receipt of the Impartial Hearing Officer's decision. The scope of such review shall include, but not be limited to, the consistency of the Impartial Hearing Officer's finding with applicable law and regulation, that the decision is not reasonably supported by the evidence, or the decision is arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion. The Notice of Intent to Review shall include a listing of the issues being reviewed. The Associate Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by certified mail, return receipt requested, to the grievant.

a) The Associate Director may choose to review any level of decision except for an appeal brought by a licensed vendor in the Vending Facilities Program for the Blind, by issuing a Notice of Intent to Review within 20 calendar days of the mailing of the decision to the grievant. If the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the Notice of Intent to Review shall be issued within 7 working days. The scope of such review shall include, but is not limited to, the consistency of the level of Hearing Officer's finding with applicable law and regulations. The Notice of Intent to Review shall include a listing of those issues being reviewed.

1) The appropriate program staff will then perform a thorough review of the level of Hearing Officer's decision, the grievant's case file and the record of proceedings of the level of Hearing Officer, and make a recommendation to the Associate Director regarding a level of decision which is thought to be:

- A) in violation of constitutional, statutory, regulatory, or written policy?
- B) in excess of the statutory authority of DHS-ORS?
- C) affected by other error of law, regulation, or written policy?

B) not reasonably supported by the evidence or arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion.

2) If the Associate Director determines that a review is necessary based on the recommendations made in subsection (a)(1) of this Section, the Notice shall be sent to the grievant who shall be informed of the right to submit additional written evidence and arguments to the Associate Director. Such additional evidence and arguments must be received within 10 working days of receipt of the Notice. If the grievance pertains to the conduct of a customer of the adult residential training program for persons

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

with visual disabilities, such additional evidence and arguments must be received within 7 working days after receipt of the Notice.

b) The Associate Director's decision, citing the findings and grounds, must be mailed within 90 calendar days of the date of the Notice of Intent to Review. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the Associate Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by certified mail, return receipt requested, to the grievant.

c) The Associate Director may modify, reverse or uphold the level of Hearing Officer's decision, except if the grievance pertains to the VR program, the Associate Director may not modify or overturn a decision or part of such a decision that supports the position of the grievant unless the Associate Director concludes, based on clear and convincing evidence, that the decision is clearly erroneous on the basis of being contrary to federal or State law, including policy. This decision is based upon review of the grievant's case file, the level of decision, the level of record, the level of Hearing Officer's decision, and any additional evidence and arguments submitted by the grievant.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 510.115 Associate Director's Decision for Hearings Regarding a Blind Vendor

a) For hearings related to the grievance of a blind vendor covered under Section 510.20(h), the Impartial Hearing Officer shall provide a recommended findings and decision to the Associate Director of DHS-ORS. The recommended findings and decision of the Impartial Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing, the applicable provision of law and regulation, and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and basis therefore.

b) Within 15 days after receipt of the recommended findings and decision, the Associate Director shall make a decision. The Associate Director's decision shall state the principal issues and relevant facts pertinent provisions of law, regulation and program procedures, the reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education per 34 CFR 395.13. A copy of the Impartial Hearing Officer's recommended findings and decision shall be attached to the Associate Director's letter. Copies of the final decision shall be sent to the vendor and his/her personal representative and to the Administrator, Vending Facility Program for the Blind.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 510.120 Exhaustion of Administrative Remedies

a) If the grievance pertains to the VR program, DHS-ORS administrative action becomes final:

- 1) at any time when a mutually agreed upon resolution is reached between DHS-ORS and the grievant; or 20--working--days--from--the date--of--the--postmark--on--the--bevel--i--Hearing--decision--if--the customer--does--not--request--a--bevel--if--hearing;
- 2) no more than 20 calendar working days after the date of the bevel if hearing Hearing decision, if no Associate--Director's--Review is performed; or
- 3) if--an--Associate--Director's--Review--is--held--upon--the--decision--of the--Director.

b) If the grievance pertains to the conduct of a customer at the adult residential training program for persons with visual disabilities, DHS-ORS administrative action becomes final:

- 1) 9--working--days--from--the--date--of--the--postmark--on--the--bevel--if hearing--decision--if--the--customer--has--not--requested--a--bevel--if hearing--or

1) 2) 7 working days after the date of the bevel--if hearing decision, if no Associate Director's Review is performed; or

2) 3) if an Associate Director's Review is performed, upon the decision of the Associate Director.

c) Any further appeal (other than by a vendor in the Vending Facilities Program for the Blind or by a grievant appealing sex equity or school records in DHS-ORS schools under the Grant-Funds-Recovery-Act) must be made to the courts by common law writ of certiorari. A vendor in the Vending Facilities Program for the Blind must first file an appeal with the U.S. Department of Education in accordance with the Randolph-Sheppard Act (20 USC 8-S-6-107 et seq.). A grievance based on grievant sex equity or school records must be filed with the State Board of Education under the Grant-Funds-Recovery-Act--must--file--under the-Administrative-Review-baw-1735-1605-5/Artr-1111.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Application

2) Code Citation: 89 Ill. Adm. Code 557

3) Section Numbers: Proposed Action:

557.10	Amendment
557.20	Amendment
557.30	Amendment
557.40	Amendment
557.50	Amendment
557.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises this Part to make it consistent with the new federal amendments to the Rehabilitation Act and to incorporate organizational terms used by the Department. The rulemaking adds a Section on the geographic transfer of VR cases.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: none
- B) Reporting, bookkeeping or other procedures required for compliance: none
- C) Types of professional skills necessary form compliance: none

13) Regulatory Agenda on which this rulemaking was summarized: This rules was not included on either of the two most recent agendas because: This rulemaking was not anticipated during the development of the Regulatory Agenda.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 557
APPLICATION

Section	General Applicability
557.10	Geographical Customer Assignment
557.20	Application Required
557.30	Who May Sign
557.40	Assistance in Attaining Necessary Financial Support
557.50	Application for Services by DHS-ORS Employees, Individuals Holding Contracts with DHS-ORS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees or Close Friends of DHS-ORS Employees
557.60	

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. 10706, effective July 11, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 484, effective December 28, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 557.10 General Applicability

- Rules contained within this Part are applicable to all Department of Human Services, Office of Rehabilitation Services (DHS-ORS) Vocational Rehabilitation (VR) customers clients.
- For the purposes of this Part, with the exception of Section 557.40, "customer client" shall mean any individual seeking VR services from DHS-ORS.
- For the purposes of Section 557.40, the term "customer client" shall include the individual in (b) above and, as appropriate, that individual's parent, family member, guardian, advocate, or duly authorized representative.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 557.20 Geographical Customer Assignment

a) A customer will be served by the office assigned to the geographic area of the customer's residence. Exceptions to such assignment will only be made when:

1a) the customer has temporarily relocated to participate in an IPE wrap (89 Ill. Adm. Code 572) and DHS-ORS has a counselor specifically assigned to the program in which the customer will be participating; or

2b) with written approval of the Regional Administrator--or Deputy Director--of--the Bureau Chief of of--Bind--Services--or the appropriate Bureau or designee of Rehabilitation--Services--as appropriate.

b) If the customer moves, the case may be transferred to the DHS-ORS office in the new geographic area. To be transferred, the customer's case shall meet all of the following conditions:

1) The case record indicates VR services are currently being provided or there is a need for future VR services;

2) the customer has been informed of the transfer;

3) after review by the receiving office, it is confirmed that the customer needs VR services.

If the case meets these conditions, the transfer shall be approved by both supervisors. If the case does not meet these conditions, it should be closed in the current caseload and, if appropriate, a referral made to the new geographic area office.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 557.30 Application Required

In order for a customer's client's case to be moved to applicant status, the customer client must make formal application for services. This shall be done by completing completion--of the APPLICATION FOR SERVICES AND RIGHTS/REMEDIES (Application) (IL 488-1489).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 557.40 Who May Sign

a) The Application must be signed by the customer. The only exception to this is when the customer is competent and at least 18 years of age, but documentation in the case file indicates that the customer is physically unable to sign his/her signature, in which case the counselor will write a statement indicating the reason the customer is unable to sign the Application. This statement must be signed by a witness to attest to its validity.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

b) If the customer is under 18 years of age, unless emancipated in accordance with the Emancipation of Mature Minor Act [750 ILCS 30], the Application application must also be signed by the parent or legal guardian.

c) If the customer is a person for whom a legal guardian of the person has been appointed, the legal guardian must also sign the Application application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 557.50 Assistance in Attaining Necessary Financial Support

At the time of application, if it is determined the customer client does not have the necessary financial resources to live, and he/she can be expected to be eligible for support from any public or private entity or entities, the rehabilitation counselor/instructor must assist the customer client in making application for such benefits.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 557.60 Application for Services by DHS-ORS Employees, Individuals Holding Contracts with DHS-ORS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees or Close Friends of DHS-ORS Employees

a) At any time a DHS-ORS employee, an individual holding a contract with DHS-ORS, a DHS-ORS Advisory Council member, a family member of a DHS-ORS employee, or close friend of a DHS-ORS employee applies for services from DHS-ORS and it is brought to the attention of the employee, the employee must notify his/her the supervisor who shall notify the appropriate Bureau Chief or designee Regional-Administrator (RA) in writing.

b) After review of the situation, the Bureau Chief RA shall make assignment of the case to an appropriate staff member to ensure propriety of services.

c) For the purpose of this Section, "family member" shall mean spouse, sibling, child, parent, parent-in-law, sibling-in-law, or any other blood relative who resides in the household of the employee or employee's spouse.

d) For the purpose of this Section, "close friend" shall mean any individual who has such a relationship with the employee that would cause a conflict of interest or the appearance of impropriety.

e) Any employee who knows of or suspects that services to another DHS-ORS employee, individual who holds a contract with DHS-ORS, DHS-ORS Advisory Council member, family member of a DHS-ORS employee, or close friend of a DHS-ORS employee has have not been reported as required in subsection (a) above shall report the situation to his/her immediate

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

supervisor. The immediate supervisor must investigate the situation and take appropriate action. Appropriate action may include reassignment of the case and discipline of the employee violating these requirements if there is evidence the employee knew the individual to be an individual described in subsection (a) above and failed to report the situation.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

<u>Section Numbers:</u>	<u>Proposed Action:</u>
553.20	Amendment
553.30	Amendment
553.35	Amendment
553.40	Amendment
553.50	Amendment
553.70	Amendment
553.75	New Section
553.76	New Section
553.80	Repealed
553.90	Repealed
553.100	Amendment
553.105	Repealed
553.110	Amendment

4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises this Part to make it consistent with the new federal amendments to the Rehabilitation Act. This rulemaking repeals the Sections regarding Extended Evaluation and adds Sections on the use of a period of Trial Work. This rulemaking also includes the new federal policy on the presumed eligibility for vocational services of persons receiving SSI and SSDI benefits. Other changes are made to add the new language and procedures of the federal Act. These include the revision of the language describing disabling conditions away from the medical model, e.g., severe and most severe are now significant and most significant disabilities. Also the Individual Plan for Employment has replaced the Individual Written Rehabilitation Plan.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553
ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section	General Applicability
553.10	Basis for the Determination of Eligibility
553.20	Presumption of Benefit from Vocational Rehabilitation Services
553.30	Services to Non-United States Citizens
553.35	Eligibility Determination Time Frames
553.40	Outcome of the Eligibility Determination
553.50	Documentation of Eligibility Factors/Preliminary Assessment
553.60	Certification of Eligibility
553.70	Trial Work
553.75	Outcome of Trial Work
553.76	Extended Evaluation (Repealed)
553.80	Outcome of Extended Evaluation (Repealed)
553.90	Assessment of Rehabilitation Needs
553.100	Assistance in Attaining Necessary Financial Support (Repealed)
553.105	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.110	Change in Eligibility Status
553.120	Order of Selection
553.130	Criteria for Severe Disability and Most Severe Disability
553.140	Determination of Serious Limitation to Functional Capacities
553.150	

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

Section 553.20 Basis for the Determination of Eligibility

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785/9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

An individual shall be determined to be eligible to receive services through the VR Program if he/she:

- a) is an individual with a disability as defined in Section 6(20)(A) of the Rehabilitation Act of 1973 (29 USC 705 701 et seq.), as amended; (Act). Pursuant to the Act, to be an individual with a disability, an individual must have a physical or mental impairment which for such individual constitutes a substantial impediment to employment, and who can benefit from vocational rehabilitation services in terms of an employment outcome;
- b) requires VR services to prepare for, ~~enter~~ engage in or secure, retain or regain ~~gainful~~ employment; and
- c) meets the priority for services established under the DHS-ORS Order of Selection in Section 553.30; or
- d) is an individual who has a disability as determined pursuant to Title II and Title XVI of the Social Security Act (42 USC 401 et seq. and 1381 et seq.) and wants to work and can benefit from VR services.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.30 Presumption of Benefit from Vocational Rehabilitation Services

- a) Any individual who is determined to be an individual with a disability shall be presumed to be able to benefit from VR services in terms of a successful employment outcome, unless DHS-ORS can demonstrate through clear and convincing evidence that the individual is incapable of benefitting from VR services in terms of a successful employment outcome.

- b) Prior to the determination that the individual is incapable of benefitting from VR services because of the significance severity of the disability, he/she must undergo a period of trial work Extended Evaluation per pursuant to 89 Ill. Adm. Code 553.7500.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.35 Services to Non-United States Citizens

- a) DHS-ORS will ~~not~~ provide any services through its VR Program to any individual who is not a citizen of the United States who does not hold a proper visa or certification from the U.S. Immigration and Naturalization Service (INS) to allow him/her to be employed.

b)

DHS-ORS will provide services through its VR Program to an individual who is not a citizen of the United States provided that:

- a) the individual holds a proper visa or certification from the INS to allow him/her to be employed while in the United States;
- b) all other eligibility criteria described in this Part are met; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) the individual is expected to remain in the United States for a period of not less than 90 days after the completion of services listed on the customer's IPE ~~his/her~~ IWRP (89 Ill. Adm. Code 572) and can be expected to be gainfully employed during this period.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.40 Eligibility Determination Time Frames

After receiving a completed application for VR services, DHS-ORS shall make an eligibility determination and determine the individual's priority to receive services under the Order of Selection within a reasonable time period, not to exceed 60 calendar days from the date the individual applies for services unless:

- a) DHS-ORS notifies the individual that exceptional and unforeseen circumstances beyond DHS-ORS control preclude DHS-ORS from completing a timely determination and the individual agrees to an extension; or
- b) DHS-ORS determines, on the basis of the criteria set forth at 89 Ill. Adm. Code 553.30, that a period of trial work extended evaluation is necessary pursuant to 89 Ill. Adm. Code 553.75. to document whether or not the individual can be expected to benefit from VR services in terms of an employment outcome or to identify employability for the customer.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.50 Outcome of the Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- a) the customer has been determined to be eligible to receive VR services and has a disability which will allow services to be provided under the Order of Selection. The customer will then undergo an Assessment of Rehabilitation Needs pursuant to Section 553.100 of this Part; the customer is determined eligible but not to have a disability which allows services to be provided under the Order of Selection. The customer will be offered the option to have his/her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his/her case closed;
- c) a trial work period is determined to be necessary. A Certification of Trial Work shall be completed and the trial work shall begin;
- e) an extended evaluation is determined necessary. A Certification of Extended Evaluation shall be completed and such an evaluation shall begin;
- d) the customer, because of lack of a disability, is determined to be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

ineligible to receive services. A Certification of Ineligibility shall be completed and the individual's case closed;

- e) the customer's case is closed for reasons other than ineligibility (e.g., the customer has refused services or further services from DHS-ORS, the customer cannot be located); or
- f) the customer's case is closed as he/she is determined ineligible to receive services due to the fact he/she does not meet the required criteria (see 89 Ill. Adm. Code 553.20).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.70 Certification of Eligibility

At any time during the eligibility determination process, but no later than 60 days from the date of a customer's individual's application for services, except as provided in Section 553.40 of this Part, a Certification of Eligibility, pursuant to 89 Ill. Adm. Code 553.40, shall be completed unless an agreement to extend the eligibility period is signed by the customer and the counselor or, a period of trial work (89 Ill. Adm. Code 553.75) ~~extenuating circumstances exist and is agreed upon by the individual or a period of extended evaluation (89 Ill. Adm. Code 553.80)~~ is determined to be necessary.

The Certification of Eligibility shall document the basis on which the customer was determined to be eligible, including identification of the customer's individual's disability and description of the customer's individual's need for VR services to reach an employment outcome, indication of the priority category to which the individual has been assigned under the Order of Selection and an outline of the services that are expected to be necessary to determine the individual's service needs during the Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.75 Trial Work

- a) If it is likely, based on initial documentation, that an individual's disability is too significant for that individual to benefit from VR services, in terms of an employment outcome, the individual must undergo a period of trial work. DHS/ORS may not deny the individual access to services unless DHS/ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services and unable to achieve a successful employment outcome.

- b) Trial work is the exploration of a customer's abilities, capabilities and capacity to perform in work situations with at least 2 work opportunities over a mutually agreed period of time. Trial work

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

opportunities may consist of work experiences and training. The customer's inability to take advantage of such opportunities shall be clear and convincing evidence that the customer cannot benefit in terms of employment outcomes, due to the significance of the customer's disabilities.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 553.76 Outcome of Trial Work

If trial work was being used to determine if an individual's disability was too significant to benefit from VR services in terms of an employment outcome, and:

- a) DHS-ORS is unable to demonstrate through clear and convincing evidence that the individual cannot benefit, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services; or
- b) clear and convincing evidence is in the case file documenting the individual is not capable of benefiting from VR services, a Certification of Ineligibility shall be completed that includes a summary and rationale for the determination based on the information gathered during the trial work.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 553.80 Extended Evaluation (Repealed)

- a) A Certification of Extended Evaluation shall be completed and such an evaluation shall commence if determination of an appropriate employment goal cannot be completed. The Certification of Extended Evaluation shall identify why a determination of eligibility could not be completed during the 60 calendar day eligibility determination period. The IWRP shall specifically outline the services that are to be provided during extended evaluation to determine the individual's eligibility or ineligibility.
- b) If it is determined based on initial documentation that an individual's disability is too severe for him/her to benefit from VR services in terms of an employment outcome, he/she must undergo a period of extended evaluation. DHS-ORS may not deny the individual access to VR services unless DHS-ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of a successful employment outcome.
- c) The period of extended evaluation shall not exceed 18 months calculated from the date of the Certification of Extended Evaluation and shall be reviewed at least every 90 days.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

_____)

Section 553.90 Outcome of Extended Evaluation (Repealed)

- a) If, after a period of extended evaluation, the customer is determined eligible for a certification of eligibility, the customer shall be prepared and the customer shall begin an assessment of rehabilitation needs (see 89 Ill. Adm. Code 553.100).
- b) If, after a period of extended evaluation, the customer is determined to be ineligible, a certification of ineligibility shall be completed and preparations made to close the customer's case.
- c) If extended evaluation was being used to determine if an individual's disability was too severe to benefit from VR services in terms of an employment outcome, and:
- 1) DHS-ORS is unable to demonstrate through clear and convincing evidence that the individual cannot benefit, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.90) and shall be certified as eligible to receive VR services, or
 - 2) Clear and convincing evidence is in the case file documenting the individual is not capable of benefiting from VR services, a certification of ineligibility shall be completed, which includes a summary and rationale for the determination based on the information gathered during the period of extended evaluation.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 553.100 Assessment of Rehabilitation Needs

- a) If a customer is determined eligible to receive VR services (89 Ill. Adm. Code 553.50(a)), the Assessment of Rehabilitation Needs Summary (Assessment) shall be completed.
- b) A major component of the Assessment shall be the determination of the employment outcome goal. The choice of the employment outcome goal shall involve the customer and take the customer's his/her interests into consideration, as well as career counseling provided to and with the customer by the counselor regarding labor market trends and training requirements. The employment outcome should be consistent with the customer's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice. The employment outcome goal chosen by the customer should be supported by the counselor unless the Assessment clearly contraindicates the customer's choice.
- c) The purpose of the Assessment is to determine the long-term vocational goal, intermediate rehabilitation objectives, and nature and the scope of vocational rehabilitation services to be included in the customer's IWRP, which must be designed needed to achieve the an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

employment outcome, that is consistent with the customer's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice.

d) The scope of the Assessment shall be limited to that which is necessary to identify the rehabilitation services needed by needs of the customer individual and to develop the customer's Individualized Plan for Employment (IPE) Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) for the individual. To the maximum extent possible, the information used shall be existing information and information available from the customer individual and, where appropriate, from the customer's individual's family.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 553.105 Assistance in Attaining Necessary Financial Support (Repealed)

At the conclusion of the Assessment, after the determination of a suitable vocational goal, if the customer cannot be expected to be able to attain a successful employment outcome due to lack of financial resources and there are benefits for which the customer can be expected to be eligible, the rehabilitation counselor/instructor must assist the customer in making application for such benefits.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 553.110 Outcome of the Comprehensive Assessment of Rehabilitation Needs

a) The Assessment Summary shall be completed by the counselor and filed in the case file when it is determined by the counselor that enough information has been gathered during the Assessment to adequately determine and plan the VR services necessary to ensure the individual a successful employment outcome in the area of his/her chosen employment goal. An Assessment Summary shall be completed by the counselor as part of the chronological record. The Assessment Summary shall reflect identify, in detail, the specific impairments the individual has in obtaining his/her vocational goal, documentation of career counseling, consideration of the customer's individual's unique strengths, resources, priorities, and interests needed to identify the nature and scope of services and the specific services that are expected to be necessary to assist the customer in achieving an his/her employment outcome.

b) The Assessment Summary must also include a statement addressing the severity of the individual's disabilities and addressing the individual's eligibility based on the Order of Selection (pursuant to Section 553.140).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Customer Financial Participation2) Code Citation: 89 Ill. Adm. Code 5623) Section Numbers: Proposed Action:
562.20 Amendment
562.30 Amendment
562.App.A Amendment4) Statutory Authority: Implementing and authorized by Section 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends the conditions for a customer's financial participation in the employment planning services needs to complete the desired employment outcome. These revisions remove the definition of "dependent" and clarify the definition of "family". This rulemaking also revises the income included in determining the monthly income of the customer. Also the Standard Budget Allowance, in Appendix A, is revised to match the figures established for federal fiscal year 2000.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62703
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

_____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: none

B) Reporting, bookkeeping or other procedures required for compliance: none

C) Types of professional skills necessary form compliance: none

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CUSTOMER FINANCIAL PARTICIPATION

Section

562.10 General Applicability

562.20 Definitions

562.30 Financial Analysis Completion

562.40 Financial Participation

562.50 Client Emancipation (Repealed)

562.60 Consideration of Settlements from Litigation or Other Sources

562.70 Refusal to Financially Participate (Repealed)

562.80 Timing of Financial Analysis (Repealed)

562.90 Impact of Review of Financial Analysis

562.100 Exclusion for Public Aid Recipients (Repealed)

TABLE A Determination Table for Client Participation (Repealed)

APPENDIX A Standard Budget Allowances

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. 8803, effective June 20, 1995; amended at 21 Ill. Reg. 4833, effective April 1, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1386, effective January 14, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 562.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

- a) CUSTOMER FINANCIAL ANALYSIS (IL 488-0265) (Financial Analysis) - the form developed by DHS-ORS to determine customer and family financial participation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

b) Customer Financial Participation - the amount of money, as determined by the completion of the Financial Analysis, which a customer and/or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer and/or his/her family wish to contribute to the cost of services.

Family - for the purpose of identifying those individuals included in the family when completing the Financial Analysis, the term "family" shall mean:

For customers who are married:

the customer's spouse; and

the customer's or spouse's dependent children.

For customers who are children dependent upon the family for support (e.g., food, lodging, medical/health assistance):

the customer's parents or step-parents; and

other dependent children residing in the home.

c) Dependent - a person under the age of 24 years, unless he or she does not reside in the parents' home and one of the conditions below exists:

1) is or has been married;

2) has legal dependents other than a spouse;

3) is a veteran of the Armed Forces of the United States; or

4) has not been claimed as a dependent on his/her parent's income tax return for at least two years and is in fact independent of parental support as documented by evidence that one of the conditions below exists:

A) the person was adjudicated by a court to be emancipated; or

B) the person has in fact lived independently (with the exception of post-secondary education) of parental support; or

C) the person has been determined by a financial aid administrator to be independent in accordance with the Higher Education Act (20 USC 1007vv);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

d) Family - for the purpose of identifying those individuals who must be taken into consideration in the completion of the Financial Analysis, "family" shall include the customer and all of the following individuals:

1) the customer's spouse;

2) the customer's dependent children, including step-children, if they are dependent upon the customer;

3) parents, including non-custodial parents, if the customer's parents are divorced and the custodial parent is not remarried and step-parents; and

4) the customer's siblings still residing in the same home as the customer and who are still dependent on the customer's parents.

e) Income - all earned and other unearned income from all sources, including all types of public support, wages, tips, SSI, SSDI, Worker's Compensation, interest income, dividends from investments, income from any source, including savings, trust funds, certificates of deposit, etc., child support, spousal support, disability payments, income from rental and leased property and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall not also be considered as income for the purpose of completion of the Financial Analysis.

f) Services - those services provided by and through DHS-ORS to customers of the Vocational Rehabilitation Program and as described at 89 Ill. Adm. Code 590 - Services.

g) Standard Budget Allowance (SBA) - the State Median Income figures established by the Office of Community Programs of the United States Department of Health and Human Services which are published annually in the Federal Register.

h) Unusual Allowable Expenses - expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, a one-time allowance for the purchase of a van or van modification and rehabilitation technology services, which are currently being paid by the customer and/or customer's family which are not paid for through insurance or any other source and/or cost associated with another family member attending post-secondary education which are not paid by any other source.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

_____)

Section 562.30 Financial Analysis Completion

- a) A customer seeking services through DHS-ORS and the customer's his/her family must complete the Financial Analysis and must participate in the cost of services as indicated by the Financial Analysis. Failure on the part of the customer and/or customer's family to participate in the cost of vocational rehabilitation services, as indicated by the Financial Analysis, shall result in the denial of services from DHS-ORS, except for those which are exempt from financial participation and listed in subsection (b) below.
- b) Customer financial participation shall be required for all services except the following:
- 1) evaluation of rehabilitation potential (however, VR services other than diagnostic services provided during a trial work period ~~extended--evaluation~~ require application of the financial analysis);
 - 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 590 - Subpart I);
 - 3) fees for assessment and training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
 - 4) the work/study component of the summer program and the nine month hearing impaired pre-vocational program at Northern Illinois University;
 - 5) services provided through the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code - 590 Subpart L);
 - 6) fees for on-the-job training (OJT);
 - 7) job coaching services;
 - 8) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:
 - A) activities of daily living;
 - B) communications skills;
 - C) adjustment counseling;
 - D) mobility instruction; and
 - 9) interpreter, reader, attendant, and note taker services.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 562.APPENDIX A Standard Budget Allowances

The Standard Budget Allowances (SBAs) are as follows:

Family Size	Annual Allowance
1	\$30,06228-793
2	\$39,31137-959
3	\$48,561467512
4	\$57,811557372
5	\$67,06164-232
6	\$76,31173-091
7	\$78,04574-752
8	\$79,77978-075
9	\$81,51479-736
10	\$83,24881-399
11	\$84,98283-058
12	\$86,71784-779

For families with more than 12 members, \$1734 1661 is added for each additional member over 12.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: none
- B) Reporting, bookkeeping or other procedures required for compliance: none
- C) Types of professional skills necessary form compliance: none

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Individualized Written Rehabilitation Program (IWRP)2) Code Citation: 89 Ill. Adm. Code 5723) Section Numbers:

Proposed Action:
 572.20 Amendment
 572.30 Amendment
 572.40 Amendment
 572.50 Amendment
 572.60 Amendment
 572.80 Amendment
 572.90 Amendment
 572.100 Amendment
 572.110 Amendment

4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].5) A Complete Description of the Subjects and Issues involved: This rulemaking revises this Part to make it consistent with the new federal amendments to the Rehabilitation Act. The new federal legislation removes the requirement for a Individualized Written Rehabilitation Plan and specifies requirements for the use and development of the IPE as detailed in the federal Act.6) Will this proposed rule replace an emergency rule currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 572
 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) WRITTEN-REHABILITATION-PROGRAM
 (IWRP)

Section	
572.10	General Applicability
572.20	Commencement of the IPE IWRP
572.30	Purpose of the IPE IWRP
572.40	Coordination of the IPE IWRP with an Individualized Educational Program (IEP)
572.50	IPE IWRP Development and Content
572.60	Format of the IPE IWRP
572.70	Services to Families
572.80	IPE IWRP Amendments
572.90	Notice of Changes to the IPE IWRP
572.100	Case File Documentation
572.110	Review of IPE IWRP
572.200	Reporting of Customer Participation

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. 6311, effective April 18, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1656, effective January 20, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 572.20 Commencement of the IPE IWRP

The Individualized Plan for Employment (IPE) Written-Rehabilitation-Program (IWRP) shall be initiated after the Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) or the successful completion of trial work (Ill. Adm. Code 553.75) or certification-for-extended-evaluation-(89-III-Adm--Code 553-807).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 572.30 Purpose of the IPE IWRP

- a) The IPE IWRP is a non-binding agreement between the customer and DHS-ORS that outlines the nature and scope of vocational rehabilitation services to be provided to the customer to meet the established objectives that are related to the customer's vocational goal.
- b) The IPE IWRP identifies the program of services that will assist the individual to achieve an his/her employment objective consistent with the customer's his/her unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choices.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.40 Coordination of the IPE IWRP with an Individualized Educational Program (IEP)

In cases of secondary school students/customers (public, private, state-operated schools) for whom an IEP (as described in 23 Ill. Adm. Code 226.5 "Terms Defined") is involved, the IPE DHS-IWRP shall be prepared in coordination with the educational facility and shall include a summary of vocationally relevant elements of the IEP which relate to the vocational goals and objectives contained in the IPE IWRP. If in all-cases the customer/student is receiving secondary educational services under an IEP, a copy of the IEP must be included in the customer's/student's case file.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.50 IPE IWRP Development and Content

- a) After-completion-of-the-assessment-of-rehabilitation-needs--(89-III-Adm--Code-553-100), an-IWRP-must-be-developed-to-outline-the-specific-services-the-customer-will-receive--to-enhance-the-ability-of--the-customer-to-achieve-his/her-vocational-goal:

- a) b) The IPE IWRP must be jointly developed, agreed to and signed by the customer, or, as appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and approved and signed by the counselor. The IPE shall be developed and implemented in a manner that affords the customer the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational services to be provided, the provider of the services and the methods used to provide services.

- b) c) The IPE IWRP must contain the following:

- 1) a statement of the specific employment outcome that is chosen by the customer vocational-goal based on the assessment of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

rehabilitation needs (89 Ill. Adm. Code 553.100), including an assessment of the customer's career interests. The goal shall be, to the maximum extent possible, an employment outcome in an integrated setting;

- 2) a statement of intermediate rehabilitation objectives related to attainment of the customer's vocational goal and how these objectives are to be met, based on the informed choice of the customer in the most individualized and integrated setting;
 - 3) a statement of the specific VR services to be provided with anticipated beginning and ending dates for each service;
 - 4) an assessment and a reassessment prior to case closure of the expected need for post-employment services; if post-employment services are to be provided, the IWRP must include a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services subsequent to the achievement of an employment outcome by the individual;
 - 5) an objective criteria and evaluation method with specific dates to determine if the goals and objectives are being met;
 - 6) a description of the terms and conditions under which services will be provided to the customer in the most integrated setting possible;
 - 7) identification of the entity or entities that provide VR services to the customer and how the customer will receive the specific services (e.g., by attending an on-site training program, by office visits to a medical service provider, etc.);
 - 8) a statement by the customer, in the customer's words, or if appropriate, by a parent, family member, guardian, advocate or authorized representative, describing how the customer was informed about his/her options regarding his/her objectives, services, service providers and methods of service procurement and how he/she was involved in making these choices;
 - 9) the customer's rights and remedies, including recourse under the appeals process (89 Ill. Adm. Code 510.7);
 - 10) a description of the availability of services through the Client Assistance Program; and
 - 11) information regarding other related benefits and services the customer may access, which will not be services DHS-ORS will assist in obtaining, but which may assist in the attainment of his/her employment goal.
- d) As appropriate, the customer's IWRP must also contain:
- 1) identification of necessary rehabilitation technology services;
 - 2) identification of the anticipated need for on-the-job and related Personal Assistance services;
 - 3) assessment of the customer's needs for extended services and prior to case closure after attainment of the employment goal; reassessment of such needs; and
 - 4) a statement describing how services shall be provided or arranged

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

through cooperative agreements with other service providers, timelines for the initiation of the services and for the achievement of the employment outcome;

- 3) the customer's rights and remedies, including filing of an appeal under 89 Ill. Adm. Code 508;
- 4) a description of the Client Assistance Program (CAP), its services, and how to contact CAP;
- 5) a statement of the specific VR services to be provided;
- 6) identification of the entity or entities that will provide VR services to the customer and how the customer will receive the specific services, including comparable benefits (e.g., by attending an on-site training program, by office visits to a medical services provider, etc.). This shall include a statement describing how service shall be provided or arranged through cooperative agreements with other service providers;
- 7) how progress toward achieving the employment outcome will be evaluated;
- 8) an assessment, and a reassessment prior to case closure, of the expected need for post-employment services. If post-employment services are to be provided, the IPE must include a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services; and
- 9) a description of the terms and condition under which services will be provided to the customer in the most integrated setting possible.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.60 Format of the IPE IWRP

- a) A copy of the original IPE IWRP and any amendments must be provided to the customer and must, to the maximum extent possible, be provided in the customer's native language and mode of communication, or, as appropriate, in the native language and mode of communication of the parent, family member, guardian, advocate or authorized representative.
- b) When at any time a non-English print version of any form or document, including the IPE IWRP, is used to meet the customer's needs and is placed in the case file, an English print copy must also be completed by the rehabilitation counselor/instructor and placed with the non-English print version in the case file.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.80 IPE IWRP amendments

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a) Any change to an individual's planned program of services, vocational goals, or service providers objectives requires an amendment to the IPE IWRP. The case file must have documentation reflecting the reason for the amendment. Closures require an IPE IWRP amendment.

b) Any amendments or revisions resulting from an annual review (89 Ill. Adm. Code 572.110) shall not take effect until the changes are agreed to and signed by the customer or, as appropriate, the parent, family member, guardian, advocate or authorized representative.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.90 Notice of Changes to the IPE IWRP

Notification Adequate, timely notification of any DHS-ORS-initiated change to the IPE IWRP must be provided to the customer. Such notification must be made in writing at least 15 work days prior to the effective date of change unless the customer has signed the IPE IWRP indicating agreement with the change. The notification must conform to 89 Ill. Adm. Code 510.60(d) and include a description of CAP services and how to contact CAP.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.100 Case File Documentation

The customer's case file must contain documentation and justification for any decision to provide, deny, or alter any services, based on the customer's and counselor's knowledge of the customer's service needs, the availability of appropriate services, and DHS-ORS rates (89 Ill. Adm. Code Chapter IV Subchapter B, Vocational Rehabilitation).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 572.110 Review of IPE IWRP

An IPE IWRP shall be reviewed whenever necessary, but at least annually. To ensure that services being provided are adequate and appropriate to ensure the customer a successful employment outcome.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service Planning and Provision

2) Code Citation: 89 Ill. Adm. Code 684

3) Section Numbers: Proposed Action: New Section 684.75

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: This proposed rulemaking adds Section 684.75 "Required Physician's Certification of HSP Service Plan." This Section stipulates the criteria and timing for requiring customers of Home Services Program to obtain a physician's certification of their service plan.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: none

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:
none

C) Types of professional skills necessary form compliance: none

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most two most recent agendas because: This rulemaking was not anticipated at the development of the latest Regulatory Agenda.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684

SERVICE PLANNING AND PROVISION

Section	Service Plan
684.10	Procuring an Appropriate Service Provider
684.20	Family Members as Service Providers
684.30	Distribution of the Service Plan
684.40	Service Plan Content
684.50	Provision of Services
684.60	Service Planning Limitations
684.70	Required Physician's Certification of HSP Service Plan
684.75	Interim Services
684.80	Coordination of HSP and Other Services
684.90	Denial or Termination of HSP Services
684.100	

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 684.75 Required Physician's Certification of HSP Service Plan

A Physician's Certification (IL 488-1780) shall be obtained from the customer's physician when:

- the customer's initial service plan is developed (Section 684.10);
- after any service cost increase longer than 90 days, when the increase is caused by an increase in the hours of service or in the type of service that raises the service cost to a level higher than allowed by the customer's current DON score;
- the cost of services decreases for a period longer than 90 days to a level lower than the SCM for the customer's current DON score and the decrease is due to the customer's health improving; or
- during the redetermination of eligibility (89 Ill. Adm. Code 682: Subpart E) either:
 - the service costs increase to a level higher than the customer's previous DON score SCM due to an increase in the hours of service;
 - the type of service increases to a level higher than the customer's previous DON score SCM; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) the service costs decrease to a lower SCM level than the customer's previous DON score because of an improvement in the customer's health.

The services provided to the customer shall not be interrupted while the new Physician's Certification is being secured by DHS-ORS/HSP.

(Source: Added at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season

- 2) Code Citation: 17 Ill. Adm. Code 710

- 3) Section Numbers: Proposed Action:
710.10 Amendments
710.20 Amendments
710.22 Amendments
710.30 Amendments
710.50 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

- 5) A Complete Description of the Subjects and Issues Involved: The amendments to this Part change hunting season dates, open additional sites to hunting, and amend existing requirements.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS
TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 710
THE TAKING OF WILD TURKEYS - SPRING SEASON

Section	Hunting Zones
710.5	Hunting Seasons
710.10	Statewide Turkey Permit Requirements
710.20	Turkey Permit Requirements - Special Hunts (Renumbered)
710.21	Turkey Permit Requirements - Landowner/Tenant Permits
710.22	Turkey Permit Requirements - Special Hunts
710.25	Turkey Permit Requirements - Special Hunts
710.28	Turkey Permit Requirements - Heritage Youth Turkey Hunt
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department Owned or Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rule was summarized: July 1998
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Northern Zone Season Dates:

- 1st Season: Monday, April 10±2 - Friday, April 14, 2000±67
1999
- 2nd Season: Saturday, April 15±7 - Thursday, April 20,
2000±227-1999
- 3rd Season: Friday, April 21±3 - Friday, April 28, 2000±307
1999
- 4th Season: Saturday, April 29May-1 - Wednesday, May 10,
2000±27-1999

b) Southern Zone Season Dates:

- 1st Season: Monday, April 35 - Friday, April 7, 2000±97-1999
- 2nd Season: Saturday, April 8±0 - Thursday, April 13,
2000±57-1999
- 3rd Season: Friday, April 14±6 - Friday, April 21, 2000±237
1999
- 4th Season: Saturday, April 22±4 - Wednesday, May 3, 2000±57
1999

c) Open Counties:

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Christian
Clark
Coles
Cumberland
DeKalb
Edgar
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Jersey

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jo Daviess
Kankakee
Knox
LaSalle
Lee
Logan
Macoupin
Marshall-Putnam
Mason
McDonough
Menard
Mercer
Montgomery
Morgan
Ogle
Peoria
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Payette
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15.00. Non-resident turkey hunters shall be charged \$75.00 for the first wild turkey hunting permit, and \$25.00 for each additional permit. Residents, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources - Turkey
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).

d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits.

- e) Any permits--remaining--after--the--second--lottery--drawing--will--be available--in--a--third--lottery--drawing--to--any hunter who has not received a permit, and to hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.

- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.

- g) The following criteria must be met to obtain preference in the first computerized drawing:

- 1) The applicant must apply using the official agency application.
- 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
- 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).

- h) A \$3 service fee will be charged for replacement permits issued by the Department.

- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.

It shall be unlawful to:

- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person, and thereafter, submittal of applications for receiving more than three permits for the same person.
- 2) Submit applications before the third computerized lottery drawing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- for more than two permits for the same person.
- 3) Apply for or receive more than three permits for the spring turkey season.
 - 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 710.22 Turkey Permit Requirements - Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50.
- d) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 31 days encompassed by the 4 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and \$25 for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
- 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) Submittal of a copy of a Farm Service Agency 156EZ form.
- h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits. Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;

- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by the hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey;
- i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting;
- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field in the Southern Zone from March 15 through the day before turkey season and in the Northern Zone from March 22 through the day before turkey season. This prohibition only applies in counties open to spring turkey hunting in-counties-open-to-turkey-hunting.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department Owned or Managed Sites

- a) Hunters must sign in/sign out at all sites in subsections (b) and (c)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- which are followed by a (1).
- b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only)

I-24 Wildlife Management Area (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Oakford Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Pere Marquette State Park (designated area only) (1)
 Ray Norbut Fish and Wildlife Area (1)
 Rend Lake State Fish and Wildlife Area
 Saline County Fish and Wildlife Area (1)
 Sanganois Conservation Area (site issued free permit required)
 Sielbeck Forest State Natural Area (1)
 Trail of Tears State Forest (1)
 Turkey Bluffs State Fish and Wildlife Area (1)
 Union County Conservation Area - Firing Line Unit and Public Hunting Area only (1)
 Weinberg-King State Park (1)
 Wildcat Hollow State Forest (1)

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park - Thompson and Salem Units (1)
 Beaver Dam State Park
 Big Bend State Fish and Wildlife Area (1)
 Big River State Forest (1)
 Castle Rock State Park (1)
 Chauncey Marsh
 Coffeen Lake State Fish and Wildlife Area
 Crawford County Conservation Area
 East Conant
 Ferne Clyffe Hunting Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fort Massac State Park (Youth Ages 10-15 only) (1)
 Fox Ridge State Park (1)
 Green River State Wildlife Area (1)
 Hamilton County Conservation Area
 Harry 'Babe' Woodyard State Natural Area (1)
 Hidden Springs State Forest (first 2 seasons only) (1)
 Hurricane Creek Habitat Area (must have Fox Ridge State Park permit) (1)
 Johnson-Sauk Trail State Park (1)
 Kickapoo State Park (1)
 Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)
 Lowden Miller State Forest (1)
 Mackinaw River Fish and Wildlife Area (1)
 Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.) (1)
 Marshall Fish and Wildlife Area (1)
 Mermet Lake State Fish and Wildlife Area (1)
 Middlefork State Fish and Wildlife Management Area (1)
 Mississippi Palisades State Park (closes after the second Sunday of the fourth season; fourth season permits will be limited to those remaining after the disabled hunt drawing) (1)
 Momence Wetlands (1)
 Newton Lake Fish and Wildlife Area
 Panther Creek Conservation Area
 Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels

2) Code Citation: 32 Ill. Adm. Code 505

3) Section Number:

505.20 Amendment
505.30 Amendment
505.40 Amendment
505.50 Amendment
505.60 Amendment
505.70 Amendment
505.82 Amendment
505.100 Amendment
505.110 Amendment
505.120 Amendment
505.130 Amendment
505.140 Amendment
505.150 Amendment
505.180 Amendment
505.190 Amendment
505.1000 Amendment
505.1100 Amendment
505.1200 Amendment
505.1300 Amendment
505.1400 Amendment
505.1500 Amendment
505.1600 Amendment
505.1800 Amendment
505.1900 Amendment
505.2000 Amendment
505.2100 Amendment
505.2200 Amendment
505.2300 Amendment
505.2400 Amendment
505.2500 Amendment
505.2800 Amendment
505.2900 Amendment

4) Statutory Authority: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 71(C) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(C)].

5) A Complete Description of the Subjects and Issues Involved: Commonwealth Edison Company requested an amendment to this Part to allow synchronization of inspections of non-ISI pressure vessels subject to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Pyramid State Park (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hills State Park

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sangamon County Conservation Area

Sanganolis Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park (1)

Sato

Siloam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Witkowski State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

internal corrosion with refueling outages. The Department believes that allowing the frequency of inspections of non-ISI pressure vessels to coincide with the timing of refueling outages will be less burdensome for pressure vessel owners and will not compromise the health and safety of the public. The Department is proposing this amendment to: (1) add new subsections (a)(3)(A) and (B) to Section 505.2200 which will parallel existing language already in place for vessels not subject to internal corrosion contained in subsection (a)(4)(C); (2) incorporate by reference later editions of the ASME and National Board Inspection Codes; (3) eliminate obsolete language; and (4) make minor editorial changes so that the style of this rule is consistent with other Department rules.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER c: NUCLEAR FACILITY SAFETY

PART 505

SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

SUBPART A: GENERAL

Section	
505.10	Scope
505.20	Policy
505.30	Definitions
505.40	Standards Incorporated by Reference
505.50	Exemptions
505.60	Access to Facilities and Documents
505.70	Notification of Failures
505.80	Administrative Review and Hearings - Inspection Certificates
505.82	Administrative Review and Hearings - Authorized Inspection Agency
505.84	Administrative Review and Hearings - Special Permits
505.86	Actions Pending Before the United States Nuclear Regulatory Commission
505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
505.110	Registration Requirements (general)
505.120	Inspection Certificates (general)
505.130	Operation Requirements (general)
505.140	Inspection Requirements (general)
505.150	Repairs and Alterations (general)
505.160	Code Case Applications (general)
505.170	Use of Alternative Standards for Construction, Inspection and Repair (general)
505.180	Authorized Inspectors (general)
505.190	Authorized Inspection Agencies (general)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section	
505.1000	Standards for Design, Construction, Operation and Inspection
505.1100	Registration Requirements
505.1200	Inspection Certificates
505.1300	Operation Requirements
505.1400	Inspection Requirements
505.1500	Repairs
505.1600	Code Case Applications
505.1700	Use of Alternative Standards for Construction, Inspection and Repair
505.1800	Authorized Inspectors

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

505.1900 Authorized Inspection Agencies

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section	
505.2000	Standards for Design, Construction, Operation and Inspection
505.2100	Registration Requirements
505.2200	Inspection Certificates
505.2300	Operation Requirements
505.2400	Inspection Requirements
505.2500	Repairs and Alterations
505.2600	Code Case Applications
505.2700	Use of Alternative Standards for Construction, Inspection and Repair
505.2800	Authorized Inspectors
505.2900	Authorized Inspection Agencies

AUTHORITY: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2a and 2b], and Section 71(C) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(C)].

SOURCE: Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. 2317, effective February 7, 1994; amended at 20 Ill. Reg. 6455, effective April 26, 1996; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 505.20 Policy

- a) It is the intent of the Department of Nuclear Safety to implement this program in accordance with State law which provides that notwithstanding any other provision to the contrary, the Department of Nuclear Safety shall have sole (State) jurisdiction over all boilers and pressure vessels contained within or upon or in connection with any nuclear facility within this State. The Department of Nuclear Safety shall have the same authority and shall have and exercise the same powers and duties in relation to those boilers and pressure vessels under this (the Boiler and Pressure Vessel Safety) Act as the Board (of Boiler and Pressure Vessel Rules) or the (Office of the) State Fire Marshal have and exercise in relation to all boilers and pressure vessels in this State that are not included in this Section. ~~{iii-Rev-Stat-1991, ch-111-1/2, par-3202(a)} [430 ILCS 75/2(a)]~~
- b) This Part is intended to implement Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act in a manner consistent with the State role provided for in the ASME Code and National Board Inspection Code. The Department intends to review Inservice Inspection Plans, reports and other documentation, as provided in this Part, to determine, in

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

coordination and cooperation with the NRC, compliance with the ASME Code, National Board Inspection Code and other applicable codes and standards referenced in Section 505.40 of this Part.

- c) This Part is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Part as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Part shall not be applied. In addition, if the application of any requirement of this Part could affect the safety or the operation of the nuclear facility, as determined by the NRC, the Department shall apply the requirements only with the prior concurrence of the NRC, as provided for in Section 505.86 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.30 Definitions

The following definitions shall apply to this Part:

"Act" or "the Act" means the Boiler and Pressure Vessel Safety Act (430 ILCS 75).

"Alteration" means a change to a boiler or pressure vessel made necessary by, or resulting in, a change in design requirements. Non-physical changes such as rerating of a boiler or pressure vessel shall be considered an alteration. The addition of nozzles smaller than a reinforced opening size shall not be considered an alteration.

"ANSI" means the American National Standards Institute, 1430 Broadway, New York NY 10018.

"Appurtenance" means an item attached to a stamped component that has work performed on it requiring verification by an Authorized Inspector.

"ASME" means the American Society of Mechanical Engineers, 345 E. 47th Street, New York NY 10017.

"ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda thereof made, approved and adopted by the Council of the Society and adopted and incorporated by the Department in Section 505.40 of this Part. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers.

"ASME Code Case" or "Code Case" means a document published by ASME to

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

clarify the intent of the ASME Code or to provide alternative requirements to those specifically indicated in the ASME Code due to special circumstances or for the use of new technology.

"Authorized Inspection Agency" means one of the following:

A department or division established by a jurisdiction which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. In Illinois, the Division of Boiler and Pressure Vessel Safety of the Office of the State Fire Marshal is the jurisdiction except for the City of Chicago; or

An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State and employs inspectors who meet the requirements of Section 505.180 and Section 505.1800 or 505.2800 of this Part, as applicable; or

An owner of boilers or pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by the Office of the State Fire Marshal.

"Authorized Inspector" means an individual who is employed by an Authorized Inspection Agency, holds a current Illinois Certificate of Competency issued by the Office of the State Fire Marshal pursuant to 41 Ill. Adm. Code 120.20 and meets the requirements of Section 505.180 and Section 505.1800 or 505.2800 of this Part, as applicable.

"Boiler" means a closed vessel used to heat water or other liquids or to generate steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, atomic energy or waste gases.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes water boilers operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"High pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"Heating boiler" means a steam heating boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Hot water supply boiler" means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Certificate inspection" means an inspection, the report of which is used by the Department as justification for issuing, withholding or revoking the Inspection Certificate.

"Condemned boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that has been inspected and declared unsafe or disqualified by legal requirements, by the Department.

"Department" means the Department of Nuclear Safety of the State of Illinois.

"Design pressure" means the pressure used in the design of a boiler or pressure vessel for the purpose of determining the minimum permissible thickness or physical characteristics (e.g., material properties) of different parts of the vessel, in accordance with design standards of the ASME Code.

"Director" means the Director of the Department of Nuclear Safety of the State of Illinois.

"External inspection" means as complete an examination as can reasonably be made of the external surfaces of a boiler or pressure vessel. This examination shall be made while it is in operation, if possible.

"Inoperative" means a boiler, or pressure vessel that itself or an attached appurtenance that is no longer capable of functioning within its design requirements. The inability of support equipment to operate does not cause a boiler or pressure vessel to be considered inoperative.

"Inservise inspection interval" means the period of time during which inservice examinations and system pressure tests are performed, as defined by the owner in accordance with the ASME Code Section XI.

"Inservice inspection period" means a subdivision of the inservice inspection interval, as defined by the owner in accordance with the ASME Code Section XI.

"Inservice Inspection Plan" means the documents prepared by the owner in accordance with paragraph IWA-2420 of the edition and addenda of Section XI approved by the NRC for use by the plant (10 year plan).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Inspection" means examination and evaluation of documents and hardware by an Authorized Inspector to determine conformance of an item or an activity to the requirements of this Part.

"Inspection Certificate" means a certification issued by the Department for the operation of a non-ISI boiler or pressure vessel or nuclear power system.

"Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Authorized Inspector.

"ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is in the owner's Inservice Inspection Plan.

"Maintenance" means routine activities conducted on an item that are performed and controlled in accordance with the owner's procedures, including minor restorative actions, that are not otherwise classified as a repair, replacement or alteration.

"Maximum Allowable Working Pressure" or "MAWP" means the maximum gauge pressure permissible (in accordance with the design requirements) at the top of a vessel in its operating position at the design temperature. This pressure is the least of those calculated for every element of the vessel using nominal thickness exclusive of allowances for corrosion and thickness required for loadings other than pressure. It is the basis for the pressure setting of the pressure relieving devices (e.g., pressure relief valves) protecting the vessel. The design pressure may be used in place of the maximum allowable working pressure in all cases for which calculations are not made to determine the value of the maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus OH 43229.

"National Board Inspection Code" means the National Board Inspection Code--A Manual for Boiler and Pressure-Vessel Inspectors, published by the National Board and adopted and incorporated by the Department in Section 505.40 of this Part. Copies may be obtained from the National Board.

"NFPA" means the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269.

"Non-ISI boiler or pressure vessel" means any boiler or pressure

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

vessel, including related appurtenances, that is not in the owner's Inservce Inspection Plan.

"Non-standard boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that does not bear the ASME Code Symbol Stamp.

"NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its function in the licensing of nuclear power reactors or facilities, or facilities for spent nuclear fuel.

"Nuclear facility" means a nuclear power station. There may be one or more nuclear power systems at a nuclear power station.

"Nuclear power system" means all ISI boilers and pressure vessels in a unit, including their appurtenances, at a nuclear facility that are inspected in accordance with an Inservce Inspection Plan. Such components are generally associated with systems that serve the purpose of producing and controlling the output of thermal energy from nuclear fuel and associated systems essential to the function and overall safety of the nuclear power system.

"Outage" means temporary suspension of operation of a component or system to conduct actions such as maintenance, forced repairs or testing of equipment.

"Owner" means any organization, person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel at a nuclear facility within the State.

"PSIG" means pounds per square inch gauge and is a measure of pressure.

"Pressure relief valve" means a safety valve, relief valve or safety relief valve.

"Pressure vessel" means an enclosed vessel in which pressure is obtained from an external source, or by applying heat from an indirect source or from a direct source other than boilers as defined in this Section above. Reactor containments are not considered pressure vessels.

"Quality Assurance Program" means a controlled system of planned and systematic actions required to provide adequate confidence that the items designed and constructed are in accordance with the rules of the ASME Code Section III; or all the planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service in accordance with

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Appendix B of 10 CFR 50, as applicable.

"Refueling outage" means temporary suspension of power production of the nuclear power system to conduct actions, including refueling the reactor. Refueling outages normally occur approximately every 2 years.

"Reinstalled boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, removed from its original setting and reinstalled at the same location or at a new location within the State of Illinois without change of ownership.

"Relief valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

"Repair" means the process of restoring a nonconforming item by welding or brazing such that existing design requirements are met.

"Report of Inspection" means a report prepared by an Authorized Inspector which documents that a non-ISI boiler or pressure vessel meets the requirements of this Part for installation and periodic inspection.

"Reportable event" means any accident which either causes a boiler or pressure vessel to become inoperative due to damage from an explosion, catastrophic event or failure due to material condition, of either itself or an attached appurtenance, or results in death or bodily injury to a person.

"Rerating" means the increase of the MAWP or temperature of a boiler or pressure vessel regardless of whether physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

"Safety relief valve" means an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

"Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is primarily used for gas or vapor service.

"State Special" means a boiler or pressure vessel, including related appurtenances, of special construction that may not be constructed in accordance with the ASME Code. See Sections 505.170, 505.1700 and 505.2700 of this Part for the procedures for granting a State Special.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

B) Section II, Material Specifications

Part A - Ferrous

Part B - Nonferrous

Part C - Welding Rods, Electrodes and Filler Metals

Part D - Properties;

C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 - Concrete Reactor Vessels and Components;

D) Section IV, Rules for Construction of Heating Boilers;

E) Section V, Nondestructive Examination;

F) Section VI, Recommended Rules for Care and Operation of Heating Boilers;

G) Section VII, Recommended Guidelines for Care of Power Boilers;

H) Section VIII, Rules for Construction of Pressure Vessels

Division 1 --including-Appendix-M;

Division 2 - Alternative Rules;

Division 3 - Alternative Rules for Construction of High Pressure Vessels;

I) Section IX, Welding and Brazing Qualifications; and

J) Section X, Fiberglass-Reinforced Plastic Pressure Vessels.

2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR)

Part 50, Section 50.55a (10 CFR 50.55a), revised as of January 1, 1998

1998 1995, including all limitations and modifications contained therein, for the following:

A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 - Nuclear Power Plant Components; and

B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 - Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The Department will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

The Department adopts the National Board Inspection Code, 1995

1992 edition with the 1992-1993 and 1994 addenda through 1997,

published by the National Board, except that in all cases "shall" shall be read as "shall" "jurisdiction" shall be read as "Department"

and reference to Chapter III within Chapter III shall be read as

reference to Section 505.150, 505.150 or 505.150 of this Part.

The Department adopts the following nationally recognized standards and their addenda:

1) ASME CSD-1a, 1993, Controls and Safety Devices for Automatically Fired Boilers;

2) NFPA 8501-92, Single Burner Boilers - Furnaces;

3) NFPA 85-C, 1991, Multiple Burner Boilers - Furnaces; and

4) NFPA 85-F, 1998, Pulverized Fuel Systems.

A) The Department adopts ANSI/ASME N626, Qualification and Duties of

d) The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

The Department adopts ANSI/ASME N626, Qualification and Duties of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

"Special Inspector" means an Inspector holding an Illinois Certificate of Competency and a Commission issued by the Office of the State Fire Marshal (OSFM) and who is regularly employed by an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State.

"Technical specifications" means part of the Updated or Final Safety Analysis Report and Operating License issued by the NRC that designates safety limits, limiting safety system settings, limiting conditions for operation and surveillance requirements for the safe operation of the nuclear facility.

"Underwriters Laboratories" (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

"Updated or Final Safety Analysis Report" means a report required by the NRC in accordance with 10 CFR 50.34.

"Welding" means a group of processes wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure and with or without the use of filler metal.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.40 Standards Incorporated by Reference

The Department hereby adopts and incorporates by reference the following codes and standards.

- a) In accordance with the authority granted under Section 2a of the Act, the Department adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed in this Section below are incorporated into and constitute a part of the whole rules and regulations of the Department.

1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, 1998 1995 Edition, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000 of this Part. For more information see Sections 505.170, 505.1000 and 505.2000 of this Part.

A) Section I, Rules for Construction of Power Boilers;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626b-1992 N626a-1991 addendum. The Department also adopts the successor standard to this standard, ASME QAI-1, Qualification for Authorized Inspection, 1995 edition.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 or QAI-1 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

e) For documents included in subsections (a) through (d) of this Section, the Department is incorporating only those editions and addenda indicated. The Department is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Department offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.50 Exemptions

The following exemptions to requirements in this Part shall be permitted except as defined below or as otherwise provided in this Part. The exemptions provided in subsections (a)(1), (2), (3) and (4) of this Section shall not be permitted for ISI boilers and pressure vessels.

a) Except as provided in Section 505.70 of this Part, the following boilers and pressure vessels shall be exempt from the requirements of this Part:

- 1) Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division I as defined in the introduction under paragraph U-1.
- 2) Boilers and pressure vessels which have either a Limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications.
- 3) Pressure vessels that do not exceed:
 - A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly; or
 - B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly; or
 - C) A volume of 1-1/2 cubic feet and 600 psig.
- 4) Water conditioning equipment used for removing minerals, chemicals, or organic or inorganic particulate from water by

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

means other than application of heat, e.g., water softeners, water filters, dealkalizers and demineralizers, provided the following conditions are met that:

- A) The temperature of such vessels is maintained below 212 degrees Fahrenheit;
 - B) No heat is applied to the water after being placed into such vessels; and
 - C) No heat is applied either directly or indirectly to such vessels.
- 5) Hot water supply boilers which are directly fired with oil, gas or electricity, provided when none of the following limitations are exceeded:
- A) Heat input of 200,000 BTU/hr.; or
 - B) Water temperature of 200° F; or
 - C) Nominal water containing capacity of 120 gallons.
- 6) Coil type hot water boilers where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle, provided the following conditions are met:
- A) There is no drum, headers or other steam spaces;
 - B) No steam is generated within the coil;
 - C) Outside diameter of tubing does not exceed 1 inch;
 - D) Pipe size does not exceed 3/4 inch;
 - E) Water capacity of the unit does not exceed 6 U. S. gallons; and
 - F) Water temperature does not exceed 350° F.
- 7) ISI pressure vessels which have a surveillance requirement in the plant technical specifications or are continuously monitored or are routinely subjected to examinations and tests (e.g., visual examinations and pressure tests), other than those required in this Part but that are determined by the Department to give an assurance of structural integrity at least equal to that provided by the examinations and test required by this Part.
- 8) Other boilers and pressure vessels listed under Section 5(a) of the Act.
- b) Boilers and pressure vessels listed under Section 5(b) of the Act shall be subject to the requirements of this Part (e.g., design, construction and registration) except for those requirements pertaining to inspection, Inspection Certificates and penalties for operating without a valid Inspection Certificate.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.60 Access to Facilities and Documents

Upon prior notice and subject to requirements contained in the Memorandum of Understanding, Subagreement No. 2, between the Department and the NRC, effective May 15, 1990, representatives of the Department or an Authorized

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.82 Administrative Review and Hearings - Authorized Inspection Agency

This Section shall apply to any action by the Department to deny an application for, or to suspend or revoke, departmental recognition of an Authorized Inspection Agency.

a) An owner or organization aggrieved by the Department's action pursuant to Sections 505.190(b)(1) or 505.190(d)(1) of this Part may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue an order directing that recognition be extended to the organization.

2) If, after the hearing or default, the Director finds that the owner or organization is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for recognition.

b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.100 Standards for Design, Construction, Operation and Inspection (general)

Please refer to Section 505.1000 of this Part for ISI boilers and pressure vessels and Section 505.2000 of this Part for non-ISI boilers and pressure vessels.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.110 Registration Requirements (general)

a) The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.

b) The owner of a nuclear facility shall register with the Department all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a) of this Part. For each boiler and pressure vessel installed after

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

Inspector may enter upon any privately or publicly owned property in this State where a boiler or pressure vessel, including related appurtenances, or a part thereof is being designed, constructed, installed or used within or upon or in connection with a nuclear facility in this State to ascertain whether such boiler or pressure vessel or part thereof is designed, constructed, installed and inspected in accordance with the standards of this Part. In addition to the documents required by this Part, owners shall make available to the Department additional documents as the Department determines are required to verify ASME Code and National Board Inspection Code compliance in accordance with this Part. These documents may include, but need not be limited to, such documents as a Quality Assurance Program in effect at the nuclear facility meeting the requirements of the ASME Code, or the details of flaw evaluations. The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.

AGENCY NOTE: Documentation required to be made available under this Section shall be relevant to a determination of compliance with this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.70 Notification of Failures

a) Any owner, which includes any person, firm, partnership, corporation or government entity, that knowingly fails to notify the Department within 24 hours, or the next business day, after a reportable event, or after any bodily injury or death to any person caused by a reportable event, is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or government agency.

b) In the case of a reportable event, the owner of the affected boiler or pressure vessel may take whatever measures it determines in its sole discretion are necessary to give emergency assistance to injured persons or to alleviate any threat to the public health and safety.

c) In the case of a reportable event, the owner may not move, disturb or repair the affected boiler or pressure vessel until the Department has been given the opportunity to examine the boiler or pressure vessel within 12 twelve hours after the reportable event, except that the owner may initiate an investigation, including the gathering of material for samples and the taking of any ancillary action necessary for such sample gathering, where the owner either determines that such activities will not substantially interfere with the Department's subsequent examination or provides a record of the initial circumstances sufficient to provide the Department with an accurate report of the condition which was obtained before the owner initiated its activities.

d) The requirements of this Section shall apply to any boiler or pressure vessel including those exempt under Section 505.50 of this Part.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

February 7, 1994, that has not been registered with the Department, the owner shall register the boiler or pressure vessel prior to its operation in accordance with this Section and either Section 505.1100 or 505.2100 of this Part, as applicable. 7-as follows:

1) For each boiler and pressure vessel already in operation and registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before August 6, 1994 evidence supporting existing registration through the Office of the State Fire Marshal and the additional information required by Section 505.1100 or 505.2100 of this Part as applicable. Such evidence shall include the State serial number assigned to the boiler or pressure vessel, a description of the boiler or pressure vessel and the nuclear power system to which the boiler or pressure vessel belongs.

2) For each boiler and pressure vessel already in operation and not registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before May 8, 1994 the information required by Section 505.1100 or 505.2100 of this Part as applicable.

3) For each boiler and pressure vessel installed after February 7, 1994, the owner shall register the boiler or pressure vessel prior to its operation in accordance with Section 505.1100 or 505.2100 of this Part as applicable.

c) Manufacturer's After February 7, 1994, manufacturer's Data Reports shall be filed by the owner with the Department for new installation and reinstallation of boilers and pressure vessels at nuclear facilities unless otherwise exempted by Section 505.50(a) of this Part. If a boiler or pressure vessel is of special design or will not bear the ASME stamp, then the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 of this Part for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection (c) refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned by the ASFM, a number will be assigned by the Department and applied by the Authorized Inspector. Additionally, the ASME Code required stamping shall be kept free of paint and lagging so that it will be plainly visible and easily read by the Authorized Inspector.

e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U" which also shall be not less than 5/16" in height. The Authorized Inspector shall make

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.

f) The requirements of subsections (d) and (e) of this Section for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the Department. An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the Department if the alternative system readily and unambiguously allows the Department and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant system identification drawings provided to the Department.

g) A Certificate Inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.120 Inspection Certificates (general)

a) Inspection Certificates for nuclear power systems shall be issued in accordance with Section 505.1200 of this Part. Inspection Certificates for non-ISI boilers and pressure vessels shall be issued in accordance with Section 505.2200 of this Part. Both nuclear power systems and non-ISI boilers and pressure vessels and their Inspection Certificates shall be subject to the provisions of subsections (b) and (c) of this Section below.

b) Owners shall keep the Inspection Certificate in an accessible location.

c) Boilers and pressure vessels that change classification (i.e., to or from ISI or non-ISI) as a result of additions to or deletions from the Inservice Inspection Plan shall be subject to the registration and submittal requirements of the new classification. To reduce the administrative burden on the owner, the owner need only inform the Department of all previous submittals made on behalf of existing registration which the owner intends to apply to the new classification.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

_____)

Section 505.130 Operation Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.
- b) Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Act.
- c) An Inspection Certificate may be suspended by the Department if an ISI or non-ISI boiler or pressure vessel or nuclear power system is in operation but not in compliance with this Part.
- d) An Inspection Certificate may be suspended by the Department if an ISI or non-ISI boiler or pressure vessel or nuclear power system is being operated in an unsafe condition.
- e) If the owner of any boiler or pressure vessel or nuclear power system required to be inspected refuses to allow an inspection to be made, the Department shall take action to suspend the Inspection Certificate under Section 505.80 of this Part until the owner complies with the requirements.
- f) For any boiler or pressure vessel that has been inspected and declared unsafe by an Authorized Inspector, the Authorized Inspector shall notify the Department of his intention to condemn the boiler or pressure vessel. The Department shall act in accordance with subsection (g) of this Section below for such ISI or non-ISI boilers or pressure vessels.
- g) Upon being notified under the provisions of subsection (f) of this Section above, the Department shall take action concerning the affected Inspection Certificate in accordance with Section 505.80 of this Part.
- h) Subject to the limitations of Sections 505.20(c), 505.80 and 505.86 of this Part, the owner who causes a non-ISI boiler or pressure vessel or nuclear power system to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.
- i) Removal of Safety Appliances.
- 1) No person, except under the direction of an Authorized Inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. If any of these appliances are repaired during an outage of a boiler or pressure vessel, they shall be reinstalled and in proper working order before the object is again placed in service.
- 2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

_____)

Section 505.140 Inspection Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.
- b) If, upon inspection and notification by an Authorized Inspector, a boiler or pressure vessel at a nuclear facility is found to be in such condition that it is unsafe to operate, the Department, subject to the limitations of Section 505.20(c) of this Part, shall act to suspend the Inspection Certificate in accordance with Section 505.80 of this Part.
- c) Owners shall assure that examinations and tests are conducted in accordance with the methods and frequencies established by this Part.
- d) In addition to the reporting frequencies specified in this Part, the owner shall report to the Department within 72 hours when, on the basis of observation or objective information, the owner has reason to believe that an ISI or non-ISI boiler or pressure vessel or nuclear power system does not meet the standards of this Part.
- e) Inspections shall be conducted by Authorized Inspectors.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.150 Repairs and Alterations (general)

Please refer to Section 505.1500 of this part for ISI boilers and pressure vessels and Section 505.2500 of this Part for non-ISI boilers and pressure vessels.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.180 Authorized Inspectors (general)

- a) To inspect ISI or non-ISI boilers or pressure vessels at nuclear facilities within the State an individual shall hold a Commission as a Special Inspector and an identifying commission card issued by the Office of the State Fire Marshal as provided in Section 8 of the Act.
- b) If an Authorized Inspector finds that the boiler or pressure vessel or any of its appurtenances are in an unsafe condition the Authorized Inspector shall immediately notify the Department and submit a report of the defects.
- c) The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.
- d) Authorized Inspectors shall perform all duties required of them under the ASME Code or the National Board Inspection Code, as applicable. Authorized Inspectors shall notify the Department within 7 days if

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

they have knowledge of a nuclear power system or an ISI or non-ISI boiler or pressure vessel that:

- 1) is being operated without a valid Inspection Certificate;
- 2) is being operated at a pressure which exceeds indicated pressure on the Inspection Certificate; or
- 3) otherwise deviates from the requirements of this Part.

e) Authorized Inspectors inspecting ISI boilers or pressure vessels or nuclear power systems shall meet the requirements of Section 505.1800 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.190 Authorized Inspection Agencies (general)

a) An organization that is providing ASME Code or National Board inspection services at a nuclear facility on February 7, 1994 shall be automatically recognized by the Department as an Authorized Inspection Agency. Such an organization shall, on or before March 9, 1994, notify the Department in writing that it is providing such inspection services. The notification shall also list the ASME Code Sections/National Board Inspection Code to which it conducts inspection activities.

ab) An organization that wishes to provide ASME Code or National Board Inspection Code inspection services at a nuclear facility but is not doing so as of February 7, 1994 shall be recognized as an Authorized Inspection Agency by the Department in accordance with subsection (b) of this Section ~~to~~ before providing ASME Code or National Board Inspection Code inspection services at a nuclear facility. Such an organization shall submit the following to the Department:

- 1) A written request for recognition as an Authorized Inspection Agency;
- 2) A list of the names of Authorized Inspectors employed; and
- 3) A written description of the types of inspections that the organization will perform and the ASME Code Sections/ National Board Inspection Code for which it will conduct inspection activities.

AGENCY NOTE: An authorized Inspection Agency already recognized by the Department does not need to resubmit the documents specified in this subsection (a).

bc) The Department shall, within 90 days after receipt of an organization's request submitted pursuant to this Section, recognize the organization as an Authorized Inspection Agency upon determining that it has demonstrated in the request that it meets all qualification, duty and other requirements in those ASME Code Sections/National Board Inspection Code for which it wishes to provide inspection services. If it is determined that an organization's request submitted pursuant to this Section does not meet the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

requirements of this Section, the Department shall take action under Section 505.82 of this Part.

AGENCY NOTE: Qualification, duty and other requirements for organizations in subsections (a) and (b) of this Section ~~and (c) above~~ shall be in accordance with the latest edition and addenda of the ASME Code/National Board Inspection Code referenced in Section 505.40 of this Part.

cd) The Office of the State Fire Marshal of the State of Illinois is exempt from all the requirements of this Section.

de) If the Department determines that an Authorized Inspection Agency is not qualified, the Department shall act to suspend or revoke its recognition of the Authorized Inspection Agency under Section 505.82 of this Part.

AGENCY NOTE: Applicable ASME Code Sections/National Board Inspection Code as used in this Section means those under which the inspection agency is performing inspection activities. Departmental reviews will determine whether the organization meets all requirements for Authorized Inspection Agencies as found in the most recent edition and addenda of the ASME Code or National Board Inspection Code, as applicable, referenced in Section 505.40 of this Part.

fe) Authorized Inspection Agencies that are writing boiler or pressure vessel risks on February 7, 1994 shall, on or before March 9, 1994, notify the Department of all such risks being written.

eg) Following the notification of subsection (f) above, Authorized Inspection Agencies shall notify the Department within 30 days of all new boiler or pressure vessel risks written.

fh) Within 30 days following each inspection required by this Part, the Authorized Inspection Agency shall submit an accurate report of the results of such inspection to the Department in accordance with this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section 505.1000 Standards for Design, Construction, Operation and Inspection

ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a) of this Part, installed or operated within or upon or in connection with a nuclear facility in Illinois shall be designed, constructed, installed, stamped, examined, tested, repaired, altered and inspected in accordance with Sections III and XI of the ASME Code or with other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 505.1100 Registration Requirements

For registration of each ISI boiler and pressure vessel, except those exempt under Section 505.50(a) of this Part, the owner shall submit the following to the Department. If the submittal applies to a collection of ISI boilers and pressure vessels, the owner shall submit the documentation once for the ISI boilers and pressure vessels included in the submittal. If it is determined that any of the documents have previously been submitted to the Department or the office of the State Fire Marshal, the owner does not have to resubmit them.

- a) A controlled copy of the Inservice Inspection Plans for the nuclear power system;
- b) Cross references to the State serial numbers, and National Board serial numbers if available, for all ISI boilers and pressure vessels in the Inservice Inspection Plan;
- c) A For-a-nuclear-power-system-that-has-not-yet-completed-the-first inspection--period, preservice inspection summary report reports for the nuclear power system;
- d) For-ISI-boilers-and-pressure-vessels-in-operation-on-February-7-1994:
 - 1) The-Owner's-Data-Report, form-NIS-1-of-ASME-Code-Section-XI,--for-inservice--inspections--conducted-during-the-inservice-inspection interval-in-effect-on-February-7-1994;
 - 2) The-Owner's-Report-for-Repair-or-Replacement, form-NIS-2-of-ASME Code--Section--XI,--if-required-by-the-applicable-Code-Edition-and Addenda-or-Code-Case-used, for--repair-and--replacement--of--ISI boilers--and--pressure--vessels--conducted--during--the--inservice inspection interval-in-effect-on-February-7-1994, and
 - 3) Inservice-inspection-summary-reports--for--inservice--inspections conducted--during--the-inservice-inspection interval-in-effect-on-February-7-1994.
- de) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Department will take action in regard to an Inspection Certificate only in accordance with Section 505.80 of this Part. The Department shall issue Inspection Certificates for nuclear power systems in accordance with this Section if the reports, programs and plans required to be submitted by this Section, Sections 505.110 and 7 505.1100 of this Part and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

this-Section are submitted in accordance with the frequencies and standards specified therein and are in compliance with this Part.

- a) Owners of nuclear power systems already-in-operation-on-February-7-1994 shall not operate such nuclear power systems after--February--7-1995 without a valid Inspection Certificate issued by the Department. The Department shall issue one Inspection Certificate for each nuclear power system at a nuclear facility. Unless suspended by the Department, the Inspection Certificate shall remain valid through the 6-month period following the end of the inservice inspection period for which such Certificate was issued, or as otherwise permitted by this Part. Operation-of-such-nuclear-power--systems--beyond--this--one year--grace--period--without--a--valid--inspection--Certificate--shall constitute-noncompliance-with-this-Part.
- b) Owners of nuclear power systems not yet in operation on-February-7-1994, shall, prior to operation of the such nuclear power systems, have a valid Inspection Certificate issued by the Department for the such nuclear power systems. The Department shall issue the initial Inspection Certificates for the first inservice inspection period based on a Department determination that the submittal requirements of Section 505.1100 of this Part are met.
- c) The-Department-shall-issue-one-Inspection-Certificate-for-each-nuclear power--system--at--a--nuclear--facility---Unless--suspended--by---the Department--the-inspection-Certificate-shall-remain-valid-through-the six-month-period-following-the-end-of-the-inservice-inspection-period for--which--such--Certificate-was-issued--or--as--otherwise-permitted--by this-Part.
- d) For-nuclear-power-systems-already-in-operation-on--February--7--1994 the-Department-shall-issue-the-initial-inspection-Certificates-for-the remainder--of-the-inservice-inspection-period-in-effect-on-February-7-1994-based-on-determination--by--the--Department--that--the--submittal requirements-of-Section-505.1100-and-this-Section-are-met.
- e) For--nuclear--power--systems--not-yet-in-operation-on-February-7-1994 the-Department-shall-issue-the-initial-inspection-Certificates-for-the first-inservice-inspection-period-based-on-a-Department-determination that-the-submittal-requirements-of-Section-505.1100-are-met.
- cf) An Inspection Certificate shall be issued for each nuclear power system at the nuclear facility for the succeeding inservice inspection period when the Department determines that:
 - 1) The examinations and tests required by the Inservice Inspection Plan during the preceding inservice inspection period were completed; and
 - 2) All related submittal requirements of this Part are met.

AGENCY NOTE: In order to determine whether the examinations and tests required by the Inservice Inspection Plan during the preceding inspection period were performed and completed, the Department will review the submittals required by this Section against the Inservice Inspection Plan and the applicable edition and addenda of the ASME Code Section XI. The above review and determination will be made

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

separately for each nuclear power system. During this review the Department shall accept requests for relief from ASME Code Section XI requirements that have been approved by the NRC.

dg) The inservice inspection interval for the nuclear power system may be extended or reduced as permitted by the applicable Code edition and addenda or that has been approved by the NRC. The owner shall notify the Department in writing of any such change in the inservice inspection interval. The Department may issue a new Inspection Certificate, or may adjust the term of the Inspection Certificate in effect for the applicable inservice inspection period.

eh) When the owner discovers that an ISI boiler or pressure vessel is not in compliance with this Part, the owner shall take measures to bring the ISI boiler or pressure vessel into compliance. Such measures may include, but are not limited to, repair or replacement of the ISI boiler or pressure vessel in accordance with Section 505.1500 of this Part. In such cases, the owner shall notify the Department in accordance with Section 505.140 of this Part. The owner shall submit information concerning the details of the noncompliance and the measures taken to bring the noncomplying ISI boiler or pressure vessel into compliance to the Department within 90 days following the completion of such corrective measures. Any replacement ISI boiler or pressure vessel shall meet the requirements of this Part for new boilers and pressure vessels and shall be registered by the owner with the Department in accordance with Section 505.1100 of this Part. The Department shall review the information submitted regarding the noncompliance and the corrective measures taken and may issue a revised Inspection Certificate to reflect any change in nuclear power system composition.

fi) The owner shall submit the following:

1) In addition to the information submitted under Section 505.1100 of this Part, the owner shall submit ~~the~~ following to the Department within 90 days after completing an inservice inspection:

- A) The inservice inspection summary report required by ASME Code Section XI;
 - B) The Owner's Data Report, form NIS-1 required by ASME Code Section XI;
 - C) The Owner's Report for Repairs or Replacements, form NIS-2 of Section XI, if required by the applicable Code Edition and Addenda or Code Case used, for all repairs and replacements performed since the last inservice inspection; and
 - D) Deviations from the Inservice Inspection Plan implemented during inservice inspections that impact upon compliance with this Part.
- 2) The owner shall submit the Inservice Inspection Plan for the next inservice inspection interval to the Department prior to the end of each inservice inspection interval.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

gj) The Department shall take action under Section 505.80 of this Part if ~~if~~ the Department finds that:

- 1) The submittals in subsection (f) of this Section ~~(i)~~ above have not been made or are incomplete; or
- 2) The examinations and tests required by the owner's Inservice Inspection Plan have not been performed or are incomplete; or
- 3) The owner has not met the requirements of subsection (e) of this Section ~~(h)~~ above; or
- 4) The nuclear power system is not being inspected in accordance with this Part.⁷

~~the Department shall take action under Section 505.80-~~

hk) In addition to the above requirements of this Section, owners shall meet the requirements of Section 505.120 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1300 Operation Requirements

ISI boilers and pressure vessels shall meet the requirements of Section 505.130 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1400 Inspection Requirements

ISI boilers and pressure vessels shall meet the requirements of Section 505.140 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1500 Repairs

Repairs of ISI boilers and pressure vessels and pressure relief valves associated with ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a) of this Part, shall be made in accordance with this Section.

- a) ISI boilers and pressure vessels shall be repaired in accordance with the applicable repair and replacement requirements of Section XI of the ASME Code or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.
- b) Pressure relief valves associated with ISI boilers and pressure vessels shall be repaired in accordance with the applicable repair and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

replacement requirements of Section XI of the ASME Code or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1600 Code Case Applications

a) Approval to use an ASME Code Case for ISI boilers and pressure vessels is vested in the NRC. The Department shall accept all ASME Code Cases approved for use by the NRC.

b) Owners shall meet the notification requirements of Section 505.160 of this Part in all cases involving the use of Code Cases for ISI boilers or

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1800 Authorized Inspectors

In order to perform the duties of an Authorized Inspector for ISI boilers and pressure vessels or nuclear power systems at nuclear facilities within the State, the individual shall meet, in addition to the requirements of Section 505.180 of this Part, hold a current endorsement with either a nuclear ("N" or "S") or an inservice ("I" or "IS") designation, as appropriate, issued by the National Board. Specific endorsement and corresponding titles are as follows:

- Authorized Nuclear Inspector ("N" Endorsement);
- Authorized Nuclear Inspector Supervisor ("S" Endorsement);
- Authorized Nuclear Inservice Inspector ("I" Endorsement); or
- Authorized Nuclear Inservice Inspector Supervisor ("IS" Endorsement).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.1900 Authorized Inspection Agencies

a) Organizations seeking to provide inspection services to the requirements of ASME Code Section III, Section XI or both, shall be subject to the requirements of this Section and Section 505.190 of this Part.

b) The request for recognition submitted in Section 505.190(a) of this Part shall also contain documentation demonstrating that the organization meets the ASME Code and ASME/ANSI N626 or ASME QAI-1 qualifications for Authorized Inspection Agencies for the scope of inspection activities, including the possession of a valid ASME Certificate of Accreditation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

c) The Department shall act in accordance with Section 505.190(b) of this Part on all requests for recognition submitted in accordance with this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a) of this Part, operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases where NRC has jurisdiction, as determined by NRC. Where NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the Department may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.

b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances, shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.

c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed, constructed, installed, tested, repaired and altered, in accordance with the following requirements.

- The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

2) MAWP for Non-standard Pressure Vessels

A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as permitted below.

$$(TS \cdot t \cdot E) / (R \cdot FS) = MAWP, \text{ in psig, where:}$$

TS = ultimate tensile strength of shell plate, in psi.

When the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F.

t = minimum thickness of shell plate of weakest course, in inches.

E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Brazed Joints:

Single lap welded.....	40
Double lap welded.....	60
Single butt welded.....	60
Double butt welded.....	75
Forge welded.....	70
Brazed steel.....	80
For riveted joints -- calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.	

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.

C) The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.

D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given in this Section above.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

d) All non-ISI boilers and pressure vessels shall be inspected in accordance with Part RB Chapter-11 of the National Board Inspection Code and this subsection (d). The following general requirements shall apply to all non-ISI boilers and pressure vessels.

1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with Part RB Chapter-11 of the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure vessel before he is satisfied that all necessary safety precautions from Part RB Chapter-11 of the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.

2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.

e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.2100 Registration Requirements

For registration of each non-ISI boiler or pressure vessel, except those exempt under Section 505.50(a) of this Part, the owner shall submit the following to the Department. If the submittal applies to a collection of non-ISI boilers and pressure vessels, the owner shall submit the documentation once for the non-ISI boilers and pressure vessels included in the submittal.

a) For each non-ISI boiler and pressure vessel--already--registered--with the--Office--of--the--State--Fire--Marshal--on--February--7--1994--the--owner shall--submit--the--information--required--by--Section--505.2100.

b) For each non-ISI boiler and pressure vessel not already registered with the Department after February 7, 1994, the owner shall submit any manufacturer's Data Reports related to the construction, repair, replacement or alteration of the non-ISI boiler or pressure vessel and its appurtenances.

c) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110 of this Part.

AGENCY NOTE: Data Reports as used in subsection (a) of this Section and--(b)--above refers to those documents completed as required by the construction or inspection code applicable to the non-ISI boiler or pressure vessel.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

include, but is not necessarily limited to, alternative examinations and tests planned and performed, past performance of this and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel, vessel user service condition (operating or not) of the pressure vessel relative to operation of the plant, corrosive environment where the pressure vessel is installed, risks, methods of inspection, ALARA (as defined in 32 Ill. Adm. Code 310) considerations, trade-offs and relevant engineering data. This plan shall be submitted to the Department for approval. 4) Pressure vessels not subject to internal corrosion shall be inspected in accordance with subsection (a)(4)(A) or (B) of this Section as applicable, unless the Department approves an alternative under subsection (a)(4)(C) of this Section as follows:

- A) Vessels containing incompressible fluids (e.g., water) shall be inspected externally every 5 five years.
- B) Vessels containing compressible fluids (e.g., air steam), or a combination of compressible and incompressible fluids, shall be inspected externally every 3 three years.
- C) Alternatively, the owner may develop submit an inspection plan for the vessel for its remaining life based upon refueling outages. This plan shall be submitted to the Department for approval. The basis for such an inspection plan may include alternative examinations and tests planned and performed, past performance of the pressure vessel and similar pressure vessels, status of the pressure vessel in the plant's maintenance program, the environment and contents of the pressure vessel and relevant engineering data.

AGENCY NOTE: External inspection may be waived by the Department due to inaccessibility of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.

- 5) Inspection of flame safeguard equipment shall be to the standards of Section 505.40(c) of this Part and will be in conjunction with the regular inspection of boilers.
- 6) A grace period of 2 months beyond the period specified in subsection (a)(1) or (2) of this Section, may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.
- b) The Department shall issue an initial Inspection Certificate for a non-ISI boiler or pressure vessel in accordance with this subsection (b). Owners of a non-ISI boiler or pressure vessel not yet in operation after February 7, 1994, shall, prior to operation of the boiler or pressure vessel, have a valid Inspection Certificate issued

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

Section 505.2300 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Department will take action in regard to an Inspection Certificate only in accordance with Section 505.80 of this Part. The Department shall issue Inspection Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 of this Part and this Section are submitted in accordance with the frequencies specified therein and are in compliance with this Part.

- a) The Department shall issue one Inspection Certificate to each non- ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel. The frequency and type of inspection for each non-ISI boiler and pressure vessel shall be as follows:

- 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
- 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every 2 two years. Such inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.

- 3) Pressure vessels subject to internal corrosion shall be inspected in accordance with subsection (a)(3)(A) of this Section, unless the Department approves an alternative under subsection (a)(3)(B) of this Section. ~~every three years---~~Such inspection--shall--be external--and--internal--where--conditions--permit--

- A) Pressure vessels shall be inspected every 3 years. Such inspection shall be internal and external where conditions permit.
- B) Alternatively, for each pressure vessel that can be inspected only during refueling outages, the owner may develop an inspection plan for the remaining life of the pressure vessel. The plan shall provide that an inspection of each pressure vessel will occur prior to the completion of every 2 consecutive refueling outages but in no case more than 5 years after the last inspection of the pressure vessel. The owner may include in the plan contingency options for conducting inspections during unplanned or extended refueling outages, provided the required frequency of inspection is met. The bases for the inspection plan may

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

by the Department. Application for an Inspection Certificate shall be in accordance with subsection (f) of this Section except that the owner shall submit the documents listed in subsection (f)(2) of this Section at least 90 days prior to operating the boiler or pressure vessel, as follows:

1) For non-ISI boilers and pressure vessels having a valid inspection certificate issued by the office of the State Fire Marshal as of February 7, 1994, the Department shall automatically recognize such an inspection certificate until expiration of the Department issues an inspection certificate in accordance with this Part, whichever is earlier. Application for an inspection certificate shall be in accordance with subsection (f) of this Section.

2) Owners of a non-ISI boiler or pressure vessel not yet in operation on February 7, 1994, shall, prior to operation of such a boiler or pressure vessel, have a valid inspection certificate issued by the Department in accordance with this Part. Application for an inspection certificate shall be in accordance with subsection (f) of this Section except that the owner shall submit the documents listed in (f)(2) of this Section at least 90 days prior to operating such a boiler or pressure vessel.

3) Owners of a non-ISI boiler or pressure vessel in operation on February 7, 1994, but not having a valid inspection certificate issued by the office of the State Fire Marshal may not operate such a boiler or pressure vessel after August 6, 1994 without a valid inspection certificate issued by the Department in accordance with this Part. Requests for an inspection certificate shall be in accordance with subsection (f) of this Section except that:

A) The owner shall submit the documents listed in subsection (f)(2)(A) of this Section no later than 30 days prior to the end of the 180-day period.

B) The document submitted in subsection (f)(2)(B) of this Section shall be those documents, if any, completed within the 3-year period prior to February 7, 1994. The owner shall submit such documents on or before May 8, 1994.

C) For other than initial issuance of an Inspection Certificate in accordance with subsection (b) of this Section, the Department shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with this Section when the Department determines that:

1) The inspections required under subsection (a) of this Section were applied to the non-ISI boiler or pressure vessel, were completed and the condition of the non-ISI boiler or pressure vessel is such that an inspection certificate may be issued in accordance with subsection (d) of this Section;

2) The Report of Inspection or similar report form was completed for the non-ISI boiler or pressure vessel and was submitted to the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Department in accordance with subsection (f)(2) of this Section; and

3) If applicable, all submittals in subsections (e) and (f)(2)(B) of this Section are met.

d) The Department shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (g) of this Section. The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.

e) The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of 1 year.

1) For all pressure vessels and for boilers, other than power boilers, high pressure water boilers and high temperature water boilers and for pressure vessels, the owner shall request permission from the Department to extend the term of the Inspection Certificate prior to implementing the extension. The Department shall review a request for extension and permit such extension where the extension does not increase the risk to the health and safety of the public and personnel.

2) For power boilers, high pressure water boilers and high temperature water boilers, the Department may extend, for a time not exceeding 1 year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:

A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.

B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.

C) The owner of such boilers shall maintain, for examination by the Inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time and shall be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.

D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

f) ~~Notwithstanding any other provision of this Section, an inspection certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times.~~ For each non-~~ISI~~ boiler or pressure vessel, the owner shall submit the following:

- 1) The information required by Section 505.2100 of this Part;
- 2) On or before the expiration date of the Inspection Certificate issued to the non-~~ISI~~ boiler or pressure vessel:

A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) of this Section and Section 505.2000 505-2100 of this Part.

B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-~~ISI~~ boiler or pressure vessel or its appurtenances performed since the last Certificate Inspection.

g) ~~The Department shall take action under Section 505.80 of this Part if the Department finds that:~~

- 1) The submittals and notifications required by subsections (e) and (f) of this Section have not been made or are incomplete; or
- 2) The inspections required by this Section have not been performed or are incomplete; or

3) A change to the inspection frequency applied to the non-~~ISI~~ boiler or pressure vessel is not in accordance with subsection (e) of this Section; or

4) The non-~~ISI~~ boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective.
~~the Department shall take action under Section 505.80 of this Part.~~

h) In addition to the above requirements of this Section, owners shall meet the requirements of Section 505.120 of this Part.

i) Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.2300 Operation Requirements

Non-~~ISI~~ boilers and pressure vessels shall meet the requirements of Section 505.130 of this Part.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

Section 505.2400 Inspection Requirements

a) If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the non-~~ISI~~ boiler or pressure vessel shall be removed so that the Authorized Inspector may determine the condition of the non-~~ISI~~ boiler or pressure vessel. If removing the covering could create a situation which could affect the operability or safety of the vessel, the limitations of Section 505.20(c) of this Part shall apply.

b) Owners shall permanently maintain inspection data and supporting documents throughout the lifetime of the equipment.

c) In addition to the above requirements of this Section, owners shall meet the requirements of Section 505.140 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.2500 Repairs and Alterations

Repairs and alterations of non-~~ISI~~ boilers and pressure vessels, and pressure relief valves associated with non-~~ISI~~ boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a) of this Part, shall be made in accordance with this Section. Non-~~ISI~~ boilers and pressure vessels, and pressure relief valves associated with non-~~ISI~~ boilers and pressure vessels, that are repaired or altered after February 7, 1994 shall be repaired or altered in accordance with this Section or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC. The requirements of this Section are subject to the limitations of Section 505.20(c) of this Part.

a) The requirements of this subsection (a) are limited to welded repairs and welded and non-welded alterations of non-~~ISI~~ boilers and pressure vessels. Where requirements for a repair or alteration are not given, it is intended that, subject to approval of the Authorized Inspector, details of design and construction, insofar as practical, will be consistent with the ASME Code for boilers and pressure vessels constructed to the ASME Code, or the code to which the item was originally constructed for boilers and pressure vessels not constructed to the ASME Code or the repair rules of the National Board Inspection Code.

1) All non-~~ISI~~ boilers and pressure vessels covered by the Act that are repaired after February 7, 1994 shall be repaired by one of the following organizations:

- A) An owner and those organizations under contract to the owner, provided that:
 - i) such repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- CFR 50 Appendix B and has been approved by the NRC:
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(1)(A)(i) of this Section above, that are applicable to a repair activity are applied to the repair; and
 - iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(1)(A)(i) of this Section above, to the repair of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (a)(1)(A)(i), (ii) and (iii) of this Section above, is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" certificate of Authorization issued by the National Board.

- C) An organization authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair boilers and pressure vessels.

- 2) Repairs shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the weld procedures, welders and welding operators' qualifications and repair methods. The Authorized Inspector may give prior approval for repairs of a routine nature. In every case the Authorized Inspector shall be advised of each repair under prior agreement.

- 3) All non-ISI boilers and pressure vessels covered by the Act that are altered after February 7, 1994 shall be altered by one of the following organizations:

- A) An owner and those organizations under contract to the owner, provided that:

- i) such alterations are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;

- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) of this Section above, that are applicable to an alteration activity are applied to the alteration; and

- iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) of this Section above, to the alteration of boilers and pressure vessels. This notification only needs to be given

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

once for all alterations repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (a)(3)(A)(i), (ii) and (iii) of this Section above, is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board, provided the alterations are within the scope of such authorization.

- 4) Alterations shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the alteration methods and calculations. If considered necessary, the Authorized Inspector shall make an inspection of the object before granting such authorization.

- 5) Reports documenting repairs and alterations shall be sent to the Department in addition to the distribution required by the National Board Inspection Code.

6) Documentation of repairs and alterations shall be in accordance with Section R-402 of the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the Department prior to use. The Authorized Inspector shall determine whether the completion of the form R-1 or alternative form is required for routine repairs.

- B) Documentation of alterations shall be in accordance with Section R-502 of the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the Department prior to use. The Authorized Inspector shall determine whether the completion of the form R-1 or alternative form is required for routine repairs.

- 7) Repairs and alterations shall be accepted by either an Authorized Inspector employed by the Authorized Inspection Agency responsible for the boiler or pressure vessel or by an Authorized Inspector employed by the Authorized Inspection Agency of record for the organization making the repair or alteration. It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration.

- 8) For pressure parts, the rules of Section RC-1050 -907 of the National Board Inspection Code shall apply, except that references to Sections R-404 and R-505 in Section R-907 of the National Board Inspection Code shall be read as Sections 505-2500(a)(1) and 505-2500(a)(3).

- 9) Pressure Testing

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- A) The Authorized Inspector may require a pressure test after completing a repair to a boiler or pressure vessel when in the Authorized Inspector's judgment one should be conducted.
- B) A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the completion of an alteration.
- 10) For repair methods, the rules of Parts RC and RD Section-R-401 of the National Board Inspection Code shall apply.
- 11) Alteration methods shall comply with the general requirements of this subsection (a), and with the appropriate ASME Code Section or Part RC of the National Board Inspection Code, as applicable, including any service restrictions.
- 12) Major replacement of pressure parts, including drums and shells which are fabricated by welding and for which a Manufacturers Data Report is required by the applicable ASME Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate ASME Code Symbol Stamp. The item shall be inspected, stamped with the applicable ASME Code Symbol and the word "PART", and reported on the appropriate Manufacturers Partial Data Report.
- 13) When a repair or alteration requires removal of that part of a non-ISI boiler or pressure vessel containing the Code stamping, the Authorized Inspector shall, subject to the approval of the Department, witness the making of a facsimile of stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Authorized Inspector is to witness the transfer of the nameplate to the new part. The ASME Code Symbol is not to be restamped.
- 14) For rerating, the rules of this subsection (a) and Part RC-3000 Section-R-593 of the National Board Inspection Code shall apply except that "subject-to-acceptance" shall be read as "forwarded for review and approval". Additionally, the following shall apply:
- A) All requirements in Parts RC-3020, RC-3021, RC-3022 and RC 3030 Section-R-593 of the National Board Inspection Code and this subsection (a) shall be met to the satisfaction of the Authorized Inspection Agency at the location of the installation.
- B) Revised calculations verifying the new service conditions shall be required from the original manufacturer or, when such calculations cannot be obtained from this source, they may be prepared by an Engineer in accordance with Part RC-3022(a) Section-R-593(a) of the National Board Inspection Code.
- C) The boiler or pressure vessel shall be pressure tested for the rerated condition as required by subsection (a)(9)(B) of this Section (a) above.
- (f) All ASME Code Section III "N" stamped, and

Section VIII "UV" stamped pressure relief valves associated with non-ISI boilers and pressure vessels shall be repaired in accordance with this subsection (b).

- A) An owner and those organizations under contract to the owner, provided that:
- i) such repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
 - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) of this Section above, that are applicable to a repair activity are applied to the repair; and
 - iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) of this Section above, to the repair of these pressure relief valves. This notification only needs to be given once for all repairs of pressure relief valves boilers-and-pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.
- AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections (b)(1)(A)(i), (ii) and (iii) of this Section above, is subject to review by the Authorized Inspector.
- B) The manufacturer of the valve who is in possession of a valid ASME "V", "NV" or "UV" Certificate of Authorization, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System or Quality Assurance System, as applicable.
- C) An organization in possession of a valid "VR" Certificate of Authorization issued by the National Board, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System.
- D) An organization in possession of a valid Certificate of Authorization issued by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair pressure relief valves provided repairs are within the scope of the organization's Certificate of Authorization and performed under the organization's accepted Quality Control System.
- Each of a pressure relief valve is considered to be the

2) Repair of a pressure relief valve is considered to be the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

replacement or machining of any critical part, lapping of seat and disc or any other operation which may affect the flow passage, capacity, function or pressure retaining integrity. Disassembly and reassembly or adjustments which affect the pressure relief valve function are not considered a repair, but a test confirming the valve's set pressure shall be performed. The initial installation, testing and adjustments of a new pressure relief valve on a non-ISI boiler or pressure vessel are not considered a repair.

3) Nameplates

A) The rules of Part RA-2260 and Appendix 2 E-VR7-Section-9-0 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection (b)(3) shall also apply.

B) ~~The exception in National Board Inspection Code Appendix E-VR7-Section-9-17 shall be as follows: Individuals authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, who are properly trained and qualified employees of the owner may make adjustments to the set pressure provided the adjusted settings and the date of the adjustment are recorded on a metal tag secured to the seal wire. All external adjustments shall be revealed showing the identification of the organization making the adjustments.~~

C) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) of this Section above who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the ASME Code "V", "UV", "NV" or National Board "VR" mark in Parts RA-2262, RA-2264, RA-2265 and Appendix 2 Section-9-0 of the National Board Inspection Code Appendix E-VR shall not apply. All other requirements shall be met.

4) Performance Testing

A) The rules of Part RA-2280 Appendix E-VR7-Section-11-0 of the National Board Inspection Code shall apply, regardless of whether the "VR" stamp will be or has been applied. The exceptions and clarifications of this subsection (b)(4) shall also apply.

B) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) of this Section who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the "VR" mark in Part RA-2280 of the National Board Inspection Code are not required. Also, performance testing equipment qualified by the owner under Part RA-2281 of the National Board Inspection Code shall be done by the owner. The Authorized Inspector shall witness the qualification of test equipment and review the documentation

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

of such qualification as required in Part RA-2281 of the National Board Inspection Code. ~~The use of calibrated equipment per Section-9-2-1(f) of the National Board Inspection Code Appendix E-VR7 shall be met in Section 11-3(f)(2) of the National Board Inspection Code Appendix E-VR7.~~

5) Organizations that repair pressure relief valves under subsections (b)(1)(B) through (b)(1)(D) of this Section above may perform field repairs in accordance with the following requirements.

A) Qualified technicians in the employ of the repair organization perform such repairs.

B) Procedures that address field repairs are contained in the Quality Control System or Quality Assurance System, as applicable, and are maintained.

C) All functions affecting the quality of the repaired pressure relief valves are controlled from the location for which the appropriate authorization was issued.

D) Periodic audits of work carried out in the field are made by quality control personnel of the repair organization to ensure that the requirements of the Quality Control System or Quality Assurance System, as applicable, are met. This audit may include witnessing the test of the field repaired pressure relief valve.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.2800 Authorized Inspectors

In order to perform the duties of an Authorized Inspector for non-ISI boilers or pressure vessels at nuclear facilities within the State, an individual shall meet the requirements of Section 505.180 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 505.2900 Authorized Inspection Agencies

a) Authorized Inspection Agencies that are insuring a non-ISI boiler or pressure vessel shall immediately notify the Department when such insurance is canceled, not renewed, suspended or otherwise made ineffective because of unsafe conditions.

b) Organizations seeking to provide inspection services to the requirements of the National Board Inspection Code or the ASME Code, except for Section III and Section XI, shall be subject to the requirements of Section 505.190 of this Part.

c) The request for recognition submitted in Section 505.190(a)(7) of this

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

Part shall also contain documentation demonstrating that the organization meets the ASME Code or the National Board Inspection Code requirements for Authorized Inspection Agencies, if any, for the scope of inspection activities.

- d) Organizations that are providing inspection services at nuclear facilities on--February--77--1994 may be reviewed by the Department after--February--77--1995. Such reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained therein.

- e) An organization that is recognized by the Department under Section 505.190(b)(4) of this Part as an Authorized Inspection Agency may be reviewed by the Department either prior or subsequent to recognition. Such reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained therein.

- f) The Department shall give 15 days written notice before any reviews are performed under this Section. Reviews shall be performed at the locations where control of Authorized Inspectors occurs or at the organization's home office.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
 - 2) Code Citation: 89 Ill. Adm. Code 148
 - 3) Section Numbers: Proposed Action:
148.140 Amendment
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].
 - 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to Section 148.140 are intended to provide additional payments for certain costly implantable devices and drugs that are provided in outpatient settings. Such payments will be made if the specified device or drug is deemed to be medically appropriate for a specific client by the Department's physician consultants and is included on an approved list maintained by the Department. The changes specify that prior approval may be required in some cases. The rate determination methodology for implantable devices and drugs is provided in this proposed rulemaking. These proposed changes are a component of the Department's overall outpatient reform measures and are necessary to recognize the need for such services and provide adequate compensation for them. These proposed changes are expected to result in an annual budgetary increase of \$500,000.
 - 6) Will these proposed amendments replace emergency amendments currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Do these proposed amendments contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|-----------------------------------|
| 148.140 | Amendment | April 9, 1999 (23 Ill. Reg. 4176) |
| 148.295 | Amendment | April 9, 1999 (23 Ill. Reg. 4176) |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
 - 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones, Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Aid
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62763-0002

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments at the Illinois Department of Human Services' local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, and the Office of the Secretary, Illinois Department of Human Services, both located at 401 South Clinton, Seventh Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of outpatient services will be affected by this rulemaking. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rule was not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
 HOSPITAL SERVICES

- Section
 148.10 Hospital Services
 148.20 Participation
 148.25 Definitions and Applicability
 148.30 General Requirements
 148.40 Special Requirements
 148.50 Covered Hospital Services
 148.60 Services Not Covered as Hospital Services
 148.70 Limitation On Hospital Services
 148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
 148.82 Organ Transplant Services
 148.90 Heart Transplants (Repealed)
 148.90 Liver Transplants (Repealed)
 148.100 Bone Marrow Transplants (Repealed)
 148.110 Disproportionate Share Hospital (DSH) Adjustments
 148.120 Outlier Adjustments for Exceptionally Costly Stays
 148.130 Hospital Outpatient and Clinic Services
 148.140 Public Law 103-66 Requirements
 148.150 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
 148.160 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
 148.170 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
 148.175 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
 148.180 Copayments
 148.190 Alternate Reimbursement Systems
 148.200 Filing Cost Reports
 148.210 Pre September 1, 1991 Admissions
 148.220 Admissions Occurring on or after September 1, 1991
 148.230 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
 148.240 Determination of Alternate Payment Rates to Certain Exempt Hospitals
 148.250 Calculation and Definitions of Inpatient Per Diem Rates
 148.260 Determination of Alternate Cost Per Diem Rates for All Hospitals;
 148.270 Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
 148.285 Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 148.290 Adjustments and Reductions to Total Payments
 148.295 Critical Hospital Adjustment Payment (CHAP)
 148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
 148.297 Pediatric Outpatient Adjustment Payments
 148.298 Pediatric Inpatient Adjustment Payments
 148.300 Payment
 148.310 Review Procedure
 148.320 Alternatives
 148.330 Exemptions
 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions
 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
- 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
 - A) Those services that meet the definition of the Ambulatory Procedure Listing (APT) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Ambulatory Procedure Listing (APL)
Effective July 1, 1998, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

A) Surgical Groups

i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment.

ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment.

iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons.

iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures.

B) Diagnostic and Therapeutic Groups

i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician.

ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

consultation or a diagnostic study.
iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician.

iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures.

C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described below. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function.

ii) Emergency Level II refers to Emergency Services that do not meet the above definition of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity.

iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated above. For such care, the Department will reimburse the hospital either applicable current RFS rates for the services provided or a screening fee, but not both. The reimbursement rate for the screening fee will be the same as the current applicable rate for procedure code 99282 (emergency department visit, as specified in the Physicians

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Current Procedural Terminology, fourth edition (CPT-4)).

D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories: at least 60 minutes but less than six hours and 31 minutes of services; at least six hours and 31 minutes but less than 12 hours and 31 minutes of services; or 12 hours and 31 minutes or more of services.

E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(2) and the Illinois Medicaid State Plan.

F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services that are provided by a hospital that is enrolled with the Department to provide inpatient physical rehabilitation services.

2) Each of the groups described in subsection (b)(1) will be reimbursed by the Department considering the following:

A) With the exception of county-owned hospitals located in an Illinois county with a population greater than three million, and hospitals not required to file an annual cost report with the Department, reimbursement rates for each of the reimbursement groups described above shall be the lesser of:

- i) the hospital's charge to the general public; or
- ii) rates established by the Department.

B) Effective October 1, 1999, the Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:

- i) The device or drug is included on an approved list maintained by the Department and published in the Hospital Provider Handbook. In order to be included on the Department's list, the Department will consider requests from medical providers and shall base its

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

decision on medical appropriateness of the device or drug and the costs of such device or drug; and

ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.

C) Additional payment for such devices or drugs, as described in subsection (b)(2)(B) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug.

D) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(B) of this Section, will be based on the following methodology:

i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;

ii) If the result of subsection (b)(2)(D)(i) above is less than or equal to zero, no cost outlier will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(D)(i) above, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost device or drugs.

E) For county-owned hospitals in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be specified by the Department. However, such rates shall be no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

F) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed above. Such rates will be specified in the Hospital Handbook.

G) The rate for each group is all-inclusive for services provided by the hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. The one exception is that hospitals shall be

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

allowed to bill separately, on a fee-for-service basis, for professional services of physicians who are salaried by the hospital and who provide Emergency Level I or II services in the emergency department. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.

- 4) County Facility Outpatient Adjustment
- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

- i) "Base Year" means the most recently completed State fiscal year.
- ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

- 5) No Year-End Reconciliation

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

- 6) Rate Adjustments

With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(4) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 7) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

- 8) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
- 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital Based Clinic Reimbursement

- 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program Managed Care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter base rate shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
- ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
- iii) The resulting product, as calculated in subsection

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

(d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.

- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

B) Supplemental Rate

i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.

ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.

iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

e) Critical Clinic Providers

- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: 679.50
Adopted Action: Amended

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendments: June 17, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 29, 1999, 23 Ill. Reg. 1212

10) Has JCAR Issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: This rulemaking, as proposed, also included increases in the SCM dollar amounts for subsections (b) and (c). Since that time, those increases have been adopted, effective January 20, 1999. Therefore, the increases in subsections (b) and (c) are not shown as new language in this adopted amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This amendment adds a new paragraph to this section. This new material is the Service Cost Maximums for services to a person with brain injury. This revision is part of the Department's actions to initiate services under the Medicaid Waiver for persons with a brain injury.

16) Information and answers to questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section

679.10 General Provisions

679.20 Composition of the DON

679.30 Scoring of the DON Except for Respite Cases

679.40 Scoring the DON for Respite Cases

679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 17, 1999; amended at 23 Ill. Reg. 7492, effective January 17, 1999.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.
- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 809
33 through 40	930
41 through 49	1,034
50 through 59	1,238
60 through 69	1,455
70 through 79	1,574

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

80 through 100 1,692

- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 1,042
33 through 40	1,562
41 through 49	2,083
50 through 59	2,604
60 through 69	3,125
70 through 79	3,645
80 through 100	4,167

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

Total DON Score	SCM
29 through 32	\$ 902
33 through 40	1,001
41 through 49	1,112
50 through 59	1,332
60 through 69	1,566
70 through 79	1,693
80 through 100	1,820

(Source: Amended JUN 17 1999 23 Ill. Reg. 7492, effective January 17, 1999.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Recipient Rights
- 2) Code Citation: 59 Ill. Adm. Code 111
- 3) Section Numbers: Adopted Action:
111.30 Repealed
- 4) Statutory Authority: Section 111.10 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Americans with Disabilities Act (42 U.S.C. 12101 et seq.) Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205 and 4-203 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-203]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 19739g (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) Effective Date of Amendments: June 17, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 6, 1998, 22 Ill. Reg. 19490
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendment: Section 111.30 is being repealed, and the information is being combined with previous Voter Registration rules found at 89 Ill. Adm. Code 880 and will now be found at 89 Ill. Adm. Code 512.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 111
RECIPIENT RIGHTS

- Section 111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 701 et seq., 1982)
- 111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication
- 111.25 Services to individuals in Department facilities who are non-English or limited-English speaking
- 111.30 Voter registration for service applicants (Repealed)

AUTHORITY: Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Americans with Disabilities Act (42 USC 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 12, 1996; amended at 20 Ill. Reg. 5520, effective March 29, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; amended at 21 Ill. Reg. 15579, effective November 25, 1997; amended at 23 Ill. Reg. 7496, effective JUN 17 1999.

Section 111.30 Voter registration for service applicants (Repealed)

in accordance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)); all service applicants to Department facilities and community agencies receiving funds from the Department shall be informed of their rights concerning the application for voter registration for federal elections and shall be given an opportunity to apply to register to vote when applying for services:

- a) Definitions
- For the purposes of this Section, the following terms are defined:
- "Applicant" or "service applicant" --- An individual 18 years of

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

age or older who requests mental health or developmental disabilities services for himself or herself or for whom services are requested. This includes wards of guardians of the person, individuals alleged to be subject to involuntary or judicial admission and individuals committed to the Department as unfit to stand trial or not guilty by reason of insanity. It does not include individuals committed as guilty but mentally ill transferred to the Department from the Department of Corrections or who are pre-trial detainees or inmates of county jails.

"Community agency" --- An entity that provides mental health or developmental disabilities services through a grant agreement or purchase of service contract with the Department.

"Department" --- The Department of Mental Health and Developmental Disabilities.

"Information forms" --- Voter registration application forms on which individuals are asked if they want to apply to register to vote and to check a box indicating their preference.

"Mental health or developmental disabilities services" --- This phrase includes the following: examination; diagnosis; evaluation; training; outpatient treatment; hospitalization; psychotherapy; pharmaceuticals; residential care; day-care; special living arrangements; sheltered employment; protective services; and counseling; it does not include crisis services.

- b) Procedures for explanation of rights and presentation of application
- 1) When an applicant applies for mental health or developmental disabilities services to any community agency or facility operated by the Department, the staff shall:

A) Inform the applicant of his or her rights to execute or decline to execute a voter registration application; as set out in the State Board of Election's rules at 26 Ill. Adm. Code 215;

B) Provide the applicant with an information form that asks if he or she would like to register to vote and containing boxes which can be checked to indicate whether the applicant would like to register to vote;

C) Provide the applicant with a voter registration application form supplied by the State Board of Elections unless the applicant declines to apply to register to vote;

2) Staff shall not:

- A) Seek to influence an applicant's political preference or party registration;
- B) Display any such political preference or party allegiance;
- C) Make any statement to an applicant or take any action that

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

purpose or effect of which is to discourage the applicant from registering to vote, or

- B) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services. (42-B.6-G-1973gg-5(a)(5))

- 3) If the applicant indicates either by checking the appropriate box or verbally (if he or she cannot write) that he or she wants to apply to register to vote, staff shall assist the applicant in filling out the voter registration form. Assistance shall include, but not be limited to, translators (for non-English or limited-English speakers), sign language interpreters (for deaf or deafened individuals), readers (for sight-impaired persons) and a verbal explanation of the form as appropriate. The form shall then be mailed, in accordance with subsection (c) of this Section.

- 4) If the applicant indicates by checking the appropriate box or verbally that he or she declines to apply to register, the staff shall ask the individual to sign the form and shall retain the form in accordance with subsection (d) of this Section.
- 5) If the applicant does not check either box and does not communicate any choice, the staff shall treat the lack of choice as a declination, note that the applicant did not indicate a preference on the form and retain the form in accordance with subsection (d) of this Section.

- 6) Staff shall offer the applicant an opportunity to apply to register to vote as set out in subsection (b)(1) of this Section on each admission, unless the applicant indicates that he or she has applied to register to vote or indicates that he or she is already registered. Because it may be clinically contraindicated to offer the applicant the opportunity to apply to register to vote immediately on admission, staff may choose to wait until the applicant's clinical condition has stabilized before offering the opportunity to apply to register to vote. In all cases an applicant shall be offered the opportunity to apply to register to vote no later than 30 calendar days following the development of the initial treatment or habilitation plan. Each community agency or facility operated by the Department shall develop procedures to implement this requirement that are consistent with the clinical and programmatic needs of the applicant and the administrative and operational requirements of the agency or facility.

- e) Procedures for registration
If an applicant executes an application for voter registration, staff shall send it to the election authority of the location where the applicant resides within 10 calendar days after the form is executed pursuant to the State Board of Elections rules at 26-III-Adm-Code

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

215-

- d) Information forms

- 1) The facility or agency shall retain the information forms for five years after the execution of the form. The forms will be used for statistical reporting purposes and the forms or the names of those persons who executed them shall not be released. The information forms shall be stored separately from the recipient's clinical records.
- e) Community agency certification
Community agencies shall certify to the Department annually that they were in compliance with the requirements of this Section and the applicable law.

(Source: Repealed at 23 Ill. Reg. 7496, effective

JUN 17 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers:

<u>Adopted Action:</u>
590.230 Amendment
590.460 Amendment
590.470 Amendment
590.480 Amendment
590.490 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Effective Date of Amendments: June 17, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 29, 1999, 23 Ill. Reg. 1216
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: This amendment to this rule adds a new interpreter service for persons with hearing impairments, computer assisted realtime captioning (CART). Also, other policy changes that impact the use of sign language interpreters are being added. Other revisions are included to make the rule reflect ORS terminology and DHS organization.
- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability

590.20 Availability of Services

590.30 Effect of Financial Status on Services

590.35 Effect of Comparable Benefits

590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services

590.60 Qualification of Medical and Psychological Service Providers

590.70 Treatment of Acute Conditions

590.80 Medication and Treatment

590.90 Hearing Aids

590.100 Binaural Hearing Aids

590.110 Speech and Language Services

590.120 Low Vision Aids

590.130 Mental Restoration Services

590.140 Heart Surgeries

590.150 Kidney Transplant and Related Services

590.160 Chiropractic Services

590.170 Prosthetic and Orthotic Device

590.180 Wheelchairs

590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services

590.210 Qualification of Training Facilities/Institutions

590.220 Purpose and Types of Training

590.230 Financial Guidelines for Training Services

590.240 Graduate School Training

590.250 Choice of Training Facility/Institution

590.260 Summer School

590.270 Grades

590.280 Health Status

590.290 On-the-Job Training

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services

590.320 Self-Employment Program

590.330 Services/Goods not Available

590.340 Bidding Requirements

590.350 Recovery of Tools, Equipment, Supplies and Initial Stock

590.360 Transfer of Title

590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services

590.380 Vendor Requirements

590.390 Bidding Requirements

590.400 Vehicle Adaptation

590.410 DHS-ORS Financial Participation in Van Adaptation

590.420 Environmental Modification

590.430 Written Agreements for Environmental Modification

590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services

590.460 Types of Services

590.470 Services/Equipment

590.480 Qualifications for Services Provided by Individuals

590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services (Repealed)

590.510 Definitions (Repealed)

590.520 Purpose of Equipment Loans (Repealed)

590.530 Criteria for Loan of Equipment/Aids (Repealed)

590.540 Equipment/Aids Loan Request Procedures and Approval (Repealed)

590.550 Duration of Loans (Repealed)

590.560 Maintenance and Return of Equipment/Aids (Repealed)

590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)

590.580 Limitations on Available Equipment/Aids (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section
590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: MAINTENANCE

Section
590.650 Provision of Services
590.660 Definitions
590.670 Determination of the Need for Maintenance
590.675 Determination of Client Financial Participation in Maintenance
590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. ~~7502~~ 7502 effective JUN 17 1999.

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.230 Financial Guidelines for Training Services

- a) Training services shall be provided to a customer client in accordance with the provisions set forth at 89 Ill. Adm. Code 562 552 - Customer client Financial Participation. In addition, if post-secondary training is to be provided, prior to expenditure of DHS-ORS funds, the counselor, with assistance and input of the customer client, must certify that maximum effort to obtain funding for the training from sources of comparable benefits (89 Ill. Adm. Code 567) has been made. An attempt to secure comparable benefits for all training is required except those services, and under those circumstances, listed at 89 Ill. Adm. Code 567.30
- b) DHS-ORS VR Program will assist with the purchase of books, supplies and materials necessary for a customer client to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.
- c) DHS-ORS VR Program will assist with the purchase of transportation services necessary for the customer client to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits when housing is not available for the customer client at the training site.
- d) A DHS-ORS VR Program customer client is required to obtain the medical/health related insurance offered by the training institution which he/she attends, if available. DHS-ORS will assist with the purchase of the insurance coverage in accordance with 89 Ill. Adm. Code 562 - Customer client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.
- e) DHS-ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 - Customer client Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits. If education or language tutorial services ~~for an individual who is deaf~~ are to be provided to a customer who is deaf client to assist in the completion of his/her training program, the tutor must:
 - 1) be certified by the Illinois State Board of Education;
 - 2) hold at least a bachelor's degree in deaf education from an accredited college or university; or
 - 3) be approved by the Chief Administrator ~~Manager~~ Division of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the Administrator Manager or designee.

(Source: Amended at 23 Ill. Reg. 7502 effective JUN 17 1999)

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.460 Types of Services

- a) For the purpose of this Subpart, Personal Support Services and Auxiliary Aids shall mean services provided by an individual or through electronic/mechanical devices (equipment) which allow customers with sensory, manual or speaking impairment to achieve a level of performance equal to that of an individual who does not have such impairments.
- b) Such services shall include personal assistance (PA) services, interpreter services (i.e., foreign language, sign language), computer assisted realtime captioning (CART), drivers, sensory augmentation devices, readers, notetakers and accessible format documents (e.g., Braille, large print, audio tape).

(Source: Amended at 23 Ill. Reg. 7502 effective JUN 17 1999)

Section 590.470 Services/Equipment

- a) DHS-ORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or the Comprehensive Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IWRP (89 Ill. Adm. Code 572).
- b) Services provided by an individual (i.e., sign language interpreter for the deaf, CART, notetaker, reader, PA services) under this Subpart shall continue until the completion of the customer's case is closed IWRP--and--attainment--of--a--successful--employment--outcome and as determined necessary by the customer and counselor.
- c) DHS-ORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition, and agree to return the equipment to DHS-ORS at any time the customer has no further use for the equipment or is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

otherwise not using the equipment for the purpose for which it was purchased.

d) The customer may retain the equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose for which it was originally purchased.

(Source: Amended at 23 Ill. Reg. 7502 effective JUN 17 1999)

Section 590.480 Qualifications for Services Provided by Individuals

Individuals providing services under this Subpart shall meet the following qualifications:

- a) PA services - such individuals shall meet the standards set forth at 89 Ill. Adm. Code 686.10 Personal Assistants (PA) Requirements that enumerates 700--Service--Plan--Development--which--enumerate the requirements for individuals who will be employed by the customer to provide PA services through the DHS-ORS Home Services Program.
- b) Readers and Notetakers - such an individual shall meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- c) Drivers - such an individual shall be licensed pursuant to the Illinois Motor Vehicle Code, carry at least the minimum required liability insurance, and meet the approval of the customer, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- d) Sign language interpreters shall meet the regulations as set forth in Public Act 90-200. Sign language interpreters must show proof of: interpreters--for--the--Deaf--shall--hold--an--appropriate--Registered interpreter--for--the--Deaf--(RID)--certification--or--be--approved--by--DHS-ORS and--meet--the--approval--of--the--customer,--with--concurrence--of--the counselor--
- 1) a certificate issued by the Registry of Interpreters for the Deaf (RID);
 - 2) a satisfactory evaluation by the National Association of the Deaf;
 - 3) a satisfactory Interpreter Skills Assessment Screening (ISAS) evaluation; or
 - 4) licensure or certification or a satisfactory evaluation or screening in another state.
- e) Foreign Language Interpreters - shall meet the approval of the counselor and customer.
- f) CART providers shall meet the following criteria:
- 1) Illinois Certified Shorthand Reporter;
 - 2) attendance of 6 hours in CART training sponsored by the Illinois Shorthand Reporters Association (ISRA);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) DHS-ORS sponsored Sensitivity Training;
 4) submission of work history, including 4 hours realtime experience.

(Source: Amended at 23 Ill. Reg. 7502 effective JUN 17 1999)

Section 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

a) Individuals providing PA services shall be paid only for those hours in which services are being provided to the customer in the customer's home or on the customer's worksite and in accordance with the customer's Individualized Plan for Employment (IPE) ~~IRWP~~ (89 Ill. Adm. Code 572). An individual employed by the customer to provide providing PA services to a ~~VR~~-customer shall be paid at an hourly rate equal to that paid to an individual providing PA services through the DHS-ORS Home Services Program (see 89 Ill. Adm. Code 586.40(a)) ~~768-2004(e)(7)~~.

b) An individual providing reader or notetaker services shall be paid only for those hours in which such services are being directly provided to the customer and in accordance with the customer's IPE ~~IRWP~~ (89 Ill. Adm. Code 572). An individual providing reader or notetaker services shall be paid the hourly rate established by DHS-ORS but never less than the hourly Federal Minimum Wage.

c) An individual providing driver services to a customer shall be paid an hourly rate for all driving and required waiting time and shall be reimbursed for mileage in accordance with State Travel Regulations (see 80 Ill. Adm. Code 3000.Appendix A). An individual providing driver services shall be paid the hourly rate established by DHS-ORS for such services but never less than the Federal Minimum Wage.

d) An individual providing Interpreter Services, either foreign language or sign language or CART, shall be paid at the hourly, 1/2 day or full day rate established by DHS-ORS for his/her level of certification/qualification and in accordance with the following:

- 1) minimum payment shall be for a period of 2 hours even though actual work time may be less;
- 2) if there is less than a one hour lapse during provision of services (e.g., lunch, break) the individual shall be paid for the entire time span of the assignment;
- 3) an individual who is required to be on site even though he/she does not interpret shall be paid during that period of time;
- 4) an individual who must travel more than 20 miles one-way for an assignment shall be paid travel reimbursement in accordance with State Travel Regulations (80 Ill. Adm. Code 3000.Appendix A);
- 5) no payment shall be made to an individual interpreter whose assignment is cancelled more than 48 hours prior to the scheduled beginning of the assignment. If cancellation occurs less than 48

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

hours prior to the scheduled beginning of the assignment, for single day assignments the individual interpreter shall be paid for the entire scheduled assignment time. For multiple day assignments, the individual interpreter shall be paid for the time scheduled for the assignment during the first 48 hours of the scheduled assignment;

- 6) if a customer does not appear for a scheduled appointment, the individual interpreter shall stay on-site for one hour. If the customer does not appear after the one hour wait, the individual interpreter shall consult the DHS-ORS contact person for instructions. The individual interpreter shall be paid in accordance with the provisions of subsections Subsection (d)(1), (3) and (5) and reimbursed for travel in accordance with subsection Subsection (d)(4) above;

7) if an individual interpreter has to cancel a scheduled assignment, he/she shall contact the DHS-ORS contact person immediately and assist in finding a suitable replacement. The suitability of the replacement shall be determined by the DHS-ORS contact person. An individual interpreter who cancels a scheduled assignment shall not be paid for any of the scheduled services, reimbursed travel cost, or paid a finders fee for locating a replacement.

(Source: JUN 17 1999 23 Ill. Reg. 7502 effective JUN 17 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Voter Registration Program2) Code Citation: 89 Ill. Adm. Code 8803) Section Numbers: Adopted Action:

880.10 Repealed
 880.20 Repealed
 880.30 Repealed
 880.40 Repealed
 880.50 Repealed
 880.60 Repealed
 880.70 Repealed

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and the National Voter Registration Act of 1993 (42 U.S.C.1973gg, et seq.)

5) Effective Date of Repealer: June 17, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 6, 1998, 22 Ill. Reg. 19499

10) Has JCAR Issued a Statement of Objections to this repealer? No11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Repealer: Part 880 is being repealed and the information is being combined with previous voter registration rules found at 59 Ill. Adm. Code 111 and will now be found at 89 Ill. Adm. Code 512.

16) Information and answers to questions regarding this adopted repealer shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Voter Registration Program
- 2) Code Citation: 89 Ill. Adm. Code 512
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
512.10	New
512.20	New
512.30	New
- 4) Statutory Authority: Implementing the Department of Human Service Act [20 ILCS 1305] and the National Voter Registration Act of 1993 [42 U.S.C. Section 1973 gg, et seq.]
- 5) Effective Date of Rules: June 17, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 6, 1998, 22 Ill. Reg. 19504
- 10) Has JCAR Issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rules: This rulemaking combines previous Voter Registration rules found at 89 Ill. Adm. Code 880 and 59 Ill. Adm. Code 111.30.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772

The full text of adopted rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 512

VOTER REGISTRATION PROGRAM

Section

512.10 Definitions

512.20 Opportunities for Voter Registration

512.30 Disposition of Voter Registration Forms

AUTHORITY: Implementing the Department of Human Service Act [20 ILCS 1305] and the National Voter Registration Act of 1993 (42 USC 1973gg, et seq.).

SOURCE: Adopted at 23 Ill. Reg. 7514 effective

JUN 17 1999

Section 512.10 Definitions

For the purpose of this Part, the following terms shall have the following meanings:

Client - means any individual who will be at least 18 years of age on the day of the next election who is applying for, is determined or redetermined eligible for, or is being recertified or redetermined to be eligible for, or is receiving, services for persons with disabilities or public assistance from the Illinois Department of Human Services (DHS). No person who has been legally convicted in this or another State or in any federal court of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement, and thus is not considered a client for the purposes of this Part.

Staff - means an individual who is employed by any DHS Office or facility whose duties include contact with clients; or may include contractors that provide State-funded programs to provide services to persons with disabilities and/or provide public assistance services.

Section 512.20 Opportunities for Voter Registration

- a) In accordance with the National Voter Registration Act of 1993 (42 USC 1973gg, et seq.), staff are required to provide clients the opportunity to apply to register to vote and to assist clients, if requested, in the completion of voter registration applications or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

declaration forms. Opportunities for application for Voter Registration shall be provided at the time of application for services, annual review, recertification or reassessment of services.

1) Staff shall:

- A) Inform the client of his or her rights to execute or decline to execute a voter registration application.
 - B) Provide the client with a declaration form that asks if he or she would like the opportunity to apply to register to vote. Each client has the right to accept or decline the opportunity.
 - C) Provide to each client who does not decline to apply to register to vote the same degree of assistance with regard to the completion of the voter registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
 - D) Provide the client with a mail-in voter registration application when the client provides notification to DHS of a change of address.
- 2) Staff shall not:
- A) seek to influence a client's political preference;
 - B) display any political preference or party allegiance;
 - C) make any statement or take any action to encourage or discourage an applicant from registering to vote; or
 - D) make any statement or take any action to lead a client to believe that a decision to register or not to register will affect the services provided.
- b) If the client indicates either by checking the appropriate box on the declaration form or verbally (if he or she cannot write) that he or she desires to apply to register to vote, staff shall assist the client in the completion of the voter registration application, if requested. Assistance shall include, but not be limited to, sign-language interpreters (for deaf and hard of hearing individuals), readers (for blind and visually impaired individuals), and a verbal explanation of the application, as appropriate. Mental Health Facilities staff may offer voter registration after admission in instances where it may be clinically ill-advised to do so upon admission. Staff shall ask the client to sign the declaration form and shall retain the form in accordance with Section 512.30.
- c) If the client indicates either by checking the appropriate box on the declaration form or verbally that he or she declines to apply to register, staff shall ask the individual to sign the form and shall retain the form in accordance with Section 512.30.
- d) If the client does not check the appropriate box and does not communicate any choice, staff shall treat this as a declination, note that the client did not indicate a preference on the form and retain the form in accordance with Section 512.30.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

Section 512.30 Disposition of Voter Registration Forms

- a) The completed declaration form shall be retained by DHS in a confidential manner separate from the client's DHS file for a minimum of 2 years.
- b) If the client has chosen to apply to register to vote, and completes the registration application prescribed by the Illinois State Board of Elections, the application shall be forwarded to the appropriate local election authority in a manner to protect the confidentiality of the client.
- c) DHS shall submit completed voter registration applications to the local election authority as follows:
 - 1) within 10 days after the date of receipt if received by DHS 5 or more days prior to the close of voter registration; or
 - 2) within 5 days if received 5 days or less from the close of voter registration.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Law Enforcement Agencies Data System (LEADS)

2) Code Citation: 20 Ill. Adm. Code 1240

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1240.10	Repeal
1240.20	Repeal
1240.30	Repeal
1240.40	Repeal
1240.50	Repeal
1240.60	Repeal
1240.70	Repeal
1240.80	Repeal
1240.90	Repeal
1240.100	Repeal
1240.110	Repeal
1240.120	Repeal
1240.130	Repeal
1240.140	Repeal

4) Statutory Authority: Implementing and authorized by the Criminal Identification Act [20 ILCS 2630] and authorized by Section 55(a) of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) Effective Date of Rulemaking: June 18, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 22 Ill. Reg. 21801, December 18, 1998

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were requested.

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED REPEALER

15) Summary and purpose of rulemaking: The existing administrative rules for the operation of the LEADS telecommunication system are inaccurate in some parts and obsolete in others. The new rules completely replace the old language while maintaining the same general intent.

16) Information and questions regarding this adopted rulemaking shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Law Enforcement Agencies Data System (LEADS)

2) Code Citation: 20 Ill. Adm. Code 1240

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1240.10	New Section
1240.20	New Section
1240.30	New Section
1240.40	New Section
1240.50	New Section
1240.60	New Section
1240.70	New Section
1240.80	New Section
1240.90	New Section
1240.100	New Section
1240.110	New Section

4) Statutory Authority: Implementing and authorized by the Criminal Identification Act [20 ILCS 2630] and authorized by Section 55(a) of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) Effective Date of Rulemaking: June 18, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 22 Ill. Reg. 21835, December 18, 1998

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.

In Section 1240.30 (c) (1) (E), deleted "proposes" and replaced it with "purposes".

In Section 1240.90 (b) (4), deleted "Biennially," and capitalized the letter "e" to read "Each".

In Section 1240.90 (b) (4), added "according to the LEADS Operator Certification Program" after "recertified".

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

In Section 1240.90 (b) (6), deleted the content and replaced it with, "Each agency shall provide basic LEADS training to all indirect users of LEADS and other criminal justice practitioners (within six months after employment or assignment) for which the agency provides LEADS service."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The existing administrative rules for the operation of the LEADS telecommunication system are inaccurate in some parts and obsolete in others. The new rules completely replace the old language while maintaining the same general intent.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
(217)782-7658

The full text of the adopted rulemaking begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1240

LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)

Section	
1240.10	Introduction
1240.20	The LEADS Advisory Policy Board (APB)
1240.30	Accessing LEADS Data and Participating in LEADS
1240.40	Connecting to LEADS
1240.50	LEADS Access Security
1240.60	Computerized Hot Files (CHF) Records
1240.70	Validation of CHF Records
1240.80	Dissemination of Data Obtained Through LEADS
1240.90	Administrative and Training Responsibilities
1240.100	LEADS Terminal Agency Audits
1240.110	Non-Compliance/Sanctions

AUTHORITY: Implementing and authorized by the Criminal Identification Act [20 ILCS 2630] and authorized by Section 55(a) of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 3 Ill. Reg. 6, p. 125, effective February 19, 1979; codified at 7 Ill. Reg. 14508; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3281; amended at 13 Ill. Reg. 8961, effective May 30, 1989; old Part 1240.10 deleted and new Part adopted at 23 Ill. Reg. 7521, effective **JUN 18 1999**.

Section 1240.10 Introduction

- a) The Illinois Law Enforcement Agencies Data System (LEADS) provided by the Department of State Police (Department) is a statewide, computerized telecommunications system designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the State of Illinois.
- b) The Director of the State Police (Director) is responsible for establishing policy, procedures, and regulations consistent with State and federal rules, policies, and law by which LEADS operates. The Director shall designate a statewide LEADS Administrator for management of the system. The Director may appoint a LEADS Advisory Policy Board to reflect the needs and desires of the law enforcement and criminal justice community and to make recommendations concerning policies and procedures.

Section 1240.20 The LEADS Advisory Policy Board (APB)

- a) The Director shall appoint a LEADS APB to advise the Director with

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

respect to the needs and interests of the law enforcement and criminal justice community.

- b) The APB's Objectives and Scope of Activity
 - 1) To recommend to the Director general policy with respect to the philosophy, concept, and operational principles of LEADS.
 - 2) To review and consider LEADS rules, regulations, standards, and procedures.
 - 3) To consider and advise the Director with respect to participating agency non-compliance and sanctions.
 - 4) To review and consider other LEADS-related issues as may be requested by the Director.
- c) The APB, subject to the Director's approval, shall establish its own bylaws and procedures.

Section 1240.30 Accessing LEADS Data and Participating in LEADS

- a) Access to and the extent of participation in LEADS are determined by the criteria in this Section.
- b) Definitions as used in this Section
 - 1) "Direct access" refers to having a terminal device or computer located on the agency's premises connected by a data communications link to the LEADS computer.
 - 2) "Full access" refers to direct access to all LEADS data and services.
 - 3) "LEADS data" refers to all data available through the LEADS computer.
 - 4) "LEADS services" refer to:
 - A) providing access to LEADS files;
 - B) processing messages through LEADS;
 - C) providing training and technical support to LEADS users; and
 - D) other LEADS-related services that may become available from the Department.
 - 5) "Less than full access" refers to limited access to some LEADS data and services.
- c) Criteria for Full Access
 - 1) the following criteria must be met:
 - A) The candidate organization must be a criminal justice agency as defined in the U.S. Department of Justice Regulations on Criminal Justice Information Systems (28 CFR 20, Subpart A); or
 - B) The candidate organization must be under the management control of a criminal justice agency; or
 - C) The candidate organization must be a governmental consolidated dispatch center for providing police dispatch services and must have entered into a specific agreement with a criminal justice agency to provide services for the administration of criminal justice pursuant to that

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- agreement. The agreement must be approved by the LEADS Administrator and incorporated into the LEADS interagency agreement; or
- D) The candidate organization must be a non-governmental railroad or campus police department that performs the administration of criminal justice, has arrest powers pursuant to State statute, allocates a substantial part of its budget to the administration of justice, and meets the training requirements established by law for peace officers; or
 - E) The candidate organization must be authorized by law to access some or all LEADS data and the organization's utilization of LEADS will not adversely impact criminal justice purposes; and
- 2) The participating organization must enter into a LEADS interagency agreement reflecting rights and duties of the parties.

Section 1240.40 Connecting to LEADS

- a) To connect to LEADS, an agency must have computer hardware and computer software, and be connected to a communications link to the LEADS Data Center in Springfield. For each of these requirements, there are various options. In addition, the agency must meet certain planning and administrative responsibilities.
 - 1) Notify LEADS Administrator
 - When an agency desires to participate in LEADS and meets the qualifications described in Section 1240.30 or when an agency wishes to change its method of connecting to LEADS, it must make a written request at least 90 days in advance of the desired connection date. The request must be sent to the LEADS Administrator and must state:
 - A) When connection to LEADS is desired; and
 - B) What equipment and connecting options are planned by the agency.
 - 2) Arrange a Conference
 - The agency must arrange for a conference between its own representatives, any hardware or software vendors involved, and the Department. The LEADS Administrator may waive the requirement for a formal meeting if the vendor has previously demonstrated the ability to successfully interface with LEADS. The Department accepts no responsibility for misunderstanding of LEADS specifications and requirements that occurs between the local agency and its vendors.
 - b) The LEADS Administrator must approve the agency's hardware and software configuration prior to the agency connecting to LEADS.

Section 1240.50 LEADS Access Security

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- a) Each LEADS participating agency shall comply with the LEADS access security standards established by the Department.
- b) Personnel Security Requirements

1) Thorough background screening of LEADS-related personnel is required by the employing agency. State and national criminal history record checks by fingerprint identification must be conducted for terminal operators, programmers, and other persons employed or utilized to effectuate access to or initiate transmission of LEADS and National Crime Information Center (NCIC) information, regardless of the frequency of access. A fingerprint-based background check must be performed on any person with direct access to LEADS. The agency shall submit both Illinois and FBI criminal justice applicant fingerprint inquiries to the Illinois State Police, Bureau of Identification.

2) No persons will be permitted LEADS access unless they are of good character and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any person may have their LEADS access denied if charged with a felony or crime of moral turpitude under the laws of this or any other jurisdiction.

3) No person may provide maintenance or technical services at or near LEADS equipment unless they are of good character and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any persons may have their authority to provide maintenance or technical services at or near LEADS equipment denied if charged with a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction.

4) LEADS operators shall use the terminal only for those purposes for which they are authorized. The individual receiving a request for criminal justice information must ensure the person requesting the information is authorized to receive the data.

5) Each participating criminal justice agency must have appropriate written standards for discipline of LEADS and NCIC policy violators.

- c) Site Management Requirements

Each LEADS agency must ensure that all LEADS computer devices are placed in a location under the direct control and supervision of authorized criminal justice personnel and are inaccessible to the public or persons not qualified to either operate, view, or possess LEADS and/or NCIC transmitted or received data. The computer site and/or terminal area must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

Section 1240.60 Computerized Hot Files (CHF) Records

- a) CHF Maintenance

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- 1) Any agency that has entered records into the CHF must ensure that its terminal is operated on a 24-hour-per-day basis by certified LEADS operators.

2) Each LEADS record must be supported by an investigative document, active warrant, or complaint. No LEADS entry shall be made solely on a telephone report by the alleged victim or owner. Documents supporting LEADS records must be available on a 24-hour-per-day basis to the terminal operator, either by direct access or telephone inquiry, for purposes of case confirmation, quality control, validation, record maintenance, etc.

3) Each agency must enter information into LEADS or ensure information has been entered into LEADS as soon as the facts are known and sufficient identifiers are available to permit the establishment of a LEADS record.

4) All warrants will be immediately entered into LEADS by the responsible agency within 24 hours after receiving reliable information sufficient to permit the establishment of a LEADS record unless entry is delayed by emergency operational needs.

5) Each agency assumes responsibility for the accuracy of the records entered under its authority. The accuracy of LEADS records must be double-checked by a second party within 24 hours after entry. That verification will ensure the available cross-checks (e.g., vehicle identification/license numbers) were made and that data in the LEADS record matches the data in the investigative report. Each agency will cooperate with LEADS quality control efforts by modifying or removing records that are incorrect or invalid. An agency must take action with respect to an incorrect or invalid record as soon as possible and no later than the end of the shift or work period during which notification is received. The Department (through "Serious Error" messages) has the right to remove any record where a substantial question exists concerning the validity or accuracy of the record.

6) Each agency will respond to inquiries for confirmation from other agencies relative to the validity and currency of its LEADS records based on the level of priority requested, either urgent or routine.

7) Each agency will promptly cancel an entry when the agency is notified or when it becomes aware that the legal intent of its entry has been satisfied, i.e., stolen property has been recovered or the suspect has been apprehended or returned. The agency that entered a record is responsible for the accuracy of that record.

Section 1240.70 Validation of CHF Records

- a) A record is valid if the CHF data in the agency's LEADS records are supported by documentation maintained by the agency.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- b) CHF records in LEADS must be immediately removed when no longer valid. Promptness in entering, modifying, voiding, and cancelling records is essential to maintaining the integrity of the LEADS files.
- c) All agencies having records in the LEADS CHF shall participate in the LEADS record quality-control activities initiated by the Department.

Section 1240.80 Dissemination of Data Obtained Through LEADS

- a) The LEADS network and LEADS data shall not be used for personal purposes.
- b) Personal or unofficial messages shall not be transmitted.
- c) LEADS data shall not be sold.
- d) LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information.

Section 1240.90 Administrative and Training Responsibilities

All LEADS agencies must meet the following administrative responsibilities:

- a) Appoint LEADS Agency Coordinator
 - 1) Every LEADS terminal agency is required to appoint one employee as its LEADS Agency Coordinator. Immediately upon appointment, the name of this person must be submitted to the LEADS Administrator.
- 2) The minimum requirements for the appointed LEADS Agency Coordinator are:
 - A) Must be an employee under the direct management control of the agency head;
 - B) Must be certified through the LEADS User Certification Program prior to appointment and remain in certified status during time of appointment; and
 - C) Must be thoroughly familiar with all LEADS regulations, policies, capabilities, and procedures.
- 3) The duties of the LEADS Agency Coordinator include, but are not limited to:
 - A) Serve as liaison with Department personnel;
 - B) Coordinate training of all agency personnel on LEADS capabilities, procedures, regulations, and policies;
 - C) Assist the agency head to ensure all LEADS regulations and policies are followed; and
 - D) Provide input to LEADS personnel of the Department regarding problems and ideas for improvement of and changes to LEADS.
- 4) Immediately upon the termination or reassignment of the LEADS Agency Coordinator, the agency head must appoint a new LEADS Agency Coordinator and notify the LEADS Administrator of the appointment.
- b) Training Requirements
 - 1) LEADS user certification is mandatory for all LEADS agency personnel who have full access or less-than-full access to LEADS

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- functions.
- 2) LEADS User Certification Program training is administered by the Department.
- 3) User certification is awarded after successful completion of the LEADS User Certification Program and satisfaction of all its requirements for the level of access sought.
- 4) Each full access and less-than-full access LEADS user must be functionally retested and recertified according to the LEADS Operator Certification Program.
- 5) Each LEADS agency shall maintain records of all LEADS training, testing, and proficiency affirmation.
- 6) Each agency shall provide basic LEADS training to all indirect users after LEADS and other criminal justice practitioners (within six months after employment or assignment) for which the agency provides LEADS service.
- 7) Each LEADS agency shall provide continuing access to information concerning changes or enhancements to LEADS to all indirect users of LEADS and criminal justice practitioners who utilize LEADS.
- 8) Each LEADS agency shall provide basic LEADS training regarding functionality, regulations, policy, audits, sanctions, and related civil liability to criminal justice administrators and upper-level managers within the agency.
- 9) User certification may be suspended or revoked by the Department for violation or non-compliance with laws, rules, regulations, or procedures. An individual whose certification is to be suspended or revoked will be informed of the reason for the action and the evidence supporting it. The individual will be provided an opportunity to respond prior to a suspension or revocation.

Section 1240.100 LEADS Terminal Agency Audits

- a) Each LEADS terminal agency will be audited periodically by the Department. The agency will be notified prior to the audit.
- b) The LEADS Agency Coordinator or designee must be present to assist the Department and make available all agency files, logs, or any other documentation required to be examined.
- c) Following the audit, each LEADS terminal agency will receive a written analysis detailing the findings, recommendations, discussions, and requirements for compliance generated by the audit.
- d) If an agency is found not in compliance with LEADS/NCIC policy, the agency head must respond in writing to the LEADS Administrator within 30 days after receiving the audit report with a plan of action that will place the agency within policy guidelines. Upon completion of these corrective measures, the agency head must notify the LEADS Administrator in writing that the agency has accomplished its planned objectives and is now in full compliance with LEADS/NCIC policy and regulations.
- e) If the head of an agency not in compliance with LEADS/NCIC policy

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

fails to respond in writing to the LEADS Administrator within 30 days after receiving an audit report with a plan of action that will place the agency within policy guidelines or if the agency head fails to notify the LEADS Administrator in writing that the agency has accomplished its planned objectives and is now in full compliance with LEADS policy and regulations, the agency will be considered non-compliant and will be subject to suspension of all LEADS services or other sanctions.

- f) If an agency refuses to cooperate in a Department audit, the agency will be considered non-compliant and will be subject to suspension of all LEADS services or other sanctions.

Section 1240.110 Non-Compliance/Sanctions

The Department may suspend all or any portion of LEADS service without prior notification as the result of an agency's non-compliance with laws, rules, regulations, or procedures.

- a) Minor Violations (Low Risk)

When a violation occurs that does not threaten the integrity of LEADS or LEADS data, the LEADS Administrator will give written notice to the agency explaining the violation. If the matter is promptly addressed, no suspension of any LEADS access or service will occur.
- b) Repeated, Continuous, Multiple, or Major Violations that Do Not Require Immediate Suspension (Moderate Risk)

When an agency is repeatedly or continuously in violation, has committed multiple violations or has committed a major violation not requiring suspension, the Director or designee shall set a hearing date, providing the agency with at least a 20-day advance written notice.
- c) Major Violations Requiring Immediate Suspension (High Risk)

When a violation occurs that could seriously affect the integrity of LEADS or could threaten the safety of officers or the public, or is against the law, the Director may immediately suspend all or part of LEADS access or services without prior notice. When immediate suspension becomes necessary, the Director will notify the suspended agency and give the following:

 - 1) A list of the services that have been suspended;
 - 2) Alleged violations;
 - 3) A hearing date that shall be within 10 days after the date of the immediate suspension. The Director may lift the suspension prior to the hearing for emergency or public safety needs.
- d) Hearing Procedures

When a hearing has been set by the Director or designee, the following procedures will be followed:

 - 1) Agency representatives may appear at the hearing;
 - 2) The Leads Administrator or designee will present evidence that a violation has occurred or is occurring;
 - 3) The agency representatives may present any evidence they choose

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

relevant and material to the alleged violation or to any corrective actions taken.

- e) Director's Decision

At the conclusion of the hearing, the Director may:

- 1) Suspend service;
- 2) Find no violation;
- 3) End a suspension already imposed; or
- 4) Grant a period of time to correct the non-compliance. If the Director grants additional time to comply, the Director shall set a date for a subsequent hearing to review compliance with the terms of the Director's order. At the second hearing, the Director may exercise any option that could have been exercised at the original hearing.

ILLINOIS STUDENT ASSISTANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section Numbers: Adopted Action:
Appendix A Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].
- 5) Effective Date of Amendments: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg. 1528
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Table of Grant Amounts contained in Section 2771.APPENDIX A has been updated to include the most recent sale of College Savings Bonds, which took place in November 1998.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

ILLINOIS STUDENT ASSISTANCE

NOTICE OF ADOPTED AMENDMENTS

email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

APPENDIX A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 23 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7382, effective JUL 1 1999.

ILLINOIS STUDENT ASSISTANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2771.APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	11/89 Bond Sale	11/90 Bond Sale	9/91 Bond Sale
1991	-	-	\$ 40	-	-
1992	-	-	\$ 60	\$ 40	-
1993	\$100	\$100	\$ 80	\$ 60	\$ 40
1994	\$120	\$120	\$100	\$ 80	\$ 60
1995	\$140	\$140	\$120	\$100	\$ 80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360
2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	-	\$420

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Federal Family Education Loan Program (FFELP)2) Code Citation: 23 Ill. Adm. Code 2720

3) Section Numbers: Adopted Action:
 2720.10 Amendment
 2720.30 Amendment
 2720.50 Amendment
 2720.55 Amendment
 2720.60 Amendment
 2720.70 Amendment
 2720.80 Amendment

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) Effective Date of Amendments: July 1, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg. 1533

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposed and final version: Several minor changes in this rulemaking were made in response to technical suggestions from JCAR staff. Also in response to suggestions from JCAR staff, language has been added to Section 2720.70(m) to clarify that ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE

NOTICE OF ADOPTED AMENDMENTS

GRANT AMOUNT PER \$5000 COMPOUND
 ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94 Bond Sale	11/97/98 Bond Sale	11/98 Bond Sale
1994	\$40	-	-	-	-
1995	\$60	\$40	\$15	-	-
1996	\$80	\$60	\$40	-	-
1997	\$100	\$80	\$60	-	-
1998	\$120	\$100	\$80	-	-
1999	\$140	\$120	\$100	-	-
2000	\$160	\$140	\$120	-	-
2001	\$180	\$160	\$140	\$80	\$60
2002	\$200	\$180	\$160	\$100	\$80
2003	\$220	\$200	\$180	\$120	\$100
2004	\$240	\$220	\$200	\$140	\$120
2005	\$260	\$240	\$220	\$160	\$140
2006	\$280	\$260	\$240	\$180	\$160
2007	\$300	\$280	\$260	\$200	\$180
2008	\$320	\$300	\$280	\$220	\$200
2009	\$340	\$320	\$300	\$240	\$220
2010	\$360	\$340	\$320	\$260	\$240
2011	\$380	\$360	\$340	\$280	\$260
2012	\$400	\$380	\$360	\$300	\$280
2013	\$420	\$400	\$380	\$320	\$300
2014	-	\$420	\$400	\$340	\$320
2015	-	\$440	\$420	\$360	\$340
2016	-	-	\$440	\$380	\$360
2017	-	-	-	\$400	\$380
2018	-	-	-	\$420	\$400
2019	-	-	-	\$440	\$420
2020	-	-	-	-	\$440

* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: JOL at 23 Ill. Reg. 7536, effective 11/98)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposed the following substantive amendments:

Section 2720.30 (c), which relates to institutional eligibility, has been deleted, and moved to General Provisions, Section 2700.30(n), to reflect its broader programmatic applicability beyond just FFELP.

A number of amendments are being made to this Part as a result of changes due to the federal Higher Education Amendments of 1998 (Public Law 105-244), which reauthorized the Higher Education Act of 1965. In Section 2720.50(b), references to the Application/Promissory Note as a specific form have been replaced with more general references to a common ED-approved promissory note. With the introduction of the master promissory note and the use of the FAFSA as an application for loans under FFELP, there may be a wider variety of methods by which an applicant may obtain an FFELP loan. The specific form(s) used to apply and sign for the loan do not matter, as long as the form(s) meet with ED approval requirements. These changes parallel existing language already used in Section 2720.10(a) for the application.

The Higher Education Amendments of 1998 made significant changes to the activities previously known as "preclaim." Throughout this part, the term "preclaim" has been replaced by "default aversion," consistent with the new statutory language referencing those activities of an agency related to providing collection assistance to a lender on a delinquent loan, prior to the loan being legally in default. Section 2720.60, now known as Default Aversion Assistance, has been amended to reflect the modification of the time frames during which certain activities may now be performed. Due to the changing nature of these time frames, rather than attempting to incorporate multiple different time frames, this section now refers to the time frames as specified in federal regulations and the Higher Education Act of 1965, as amended. This is consistent with the agency's recent practice, and should allow for ISAC's rules to remain current by reflecting changes to federal regulations as they occur, without the need for frequent rules amendments, and will eliminate redundancy by pointing to federal regulations with which ISAC lenders and institutions must already comply.

Similarly, in Section 2720.70, Reimbursement Procedures, changes have been made to provide more general references to the time frames for default of student loans, since different time frames will now apply to different

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

loans. Reference is now made to federal regulations and the Higher Education Act of 1965, as amended. Also, the term "insurance premium" has been replaced with the more accurate term "guarantee fee" throughout this Part. This term is more consistent with industry terminology as well as disclosure information provided to borrowers. And finally, in Section 2720.70(m), the time frame during which a lender or holder must submit a request for an increase in claim payment has been increased from 60 days to 90 days to conform with standard industry practice. Also, a 90-day window has been established within which ISAC must respond to the lender or holder.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions (Repealed)
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Holder Eligibility
2720.35	Procedures for Obtaining a Guaranteed Loan
2720.40	One-Lender Requirement
2720.41	One-Holder Requirement
2720.42	Procedures for Disbursement and Repayment
2720.50	Federal Consolidation Loan Program
2720.55	Default Aversion Procedures
2720.60	Reimbursement Procedures
2720.70	Student Guarantee Fee
2720.80	Guarantee Transfers
2720.90	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

SUBPART C: ISAC ORIGINATED LOANS

Section	Summary and Purpose
2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)
2720.220	Federal Family Education Loan Program (FFELP) Loans

APPENDIX A Required Activities of Educational Lenders (Repealed)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11031, effective July 1, 1998; amended at 23 Ill. Reg. ~~7537~~ ⁷⁵³⁷ effective ~~July 1, 1999~~ ^{July 1, 1999}.

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting a common ED-approved application form.
- b) Borrower eligibility requirements for guaranteed loans are established by federal regulations (34 CFR 682.201).
- c) The student must be enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the applicant as eligible for a guaranteed loan.
- d) An applicant shall not be disqualified for a loan guarantee by ISAC if the lender, the institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-A- 1071 et seq.), of federal regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the aggregate amount permitted such borrower, as specified by federal regulations (34 CFR 682.204).
- f) The institution shall compute a recommended loan amount for each applicant in accordance with Section 425(a)(1)(e) of the Higher Education Act, as amended. No guaranteed loan may exceed the institution's recommended amount.
 - 1) When certifying loan eligibility for an academic year which will span academic levels, the institution's recommended loan amount shall not exceed the maximum permitted for the applicant's academic level at the time of certification.
 - 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that academic year. (See Section 484 of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-A- 1091) and 34 CFR 668.7(a)(9).)

(Source: Amended at 23 Ill. Reg. 7537, effective JUL 1 1999)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical and vocational schools. Correspondence institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs. (See 34 CFR 668.14.)
- c) When an approved institution has a change-of-ownership resulting in a change-of-control, a change-of-location or a change-of-name as defined by federal regulations, the institution's program participation Agreement with ED may be terminated. After an institution has

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

~~undergone a change of status affecting its participation in any Title IV federal student financial aid program; the institution may have its eligibility reinstated by the execution of a new program Participation Agreement with ED (see e.g., 34 CFR 668.30 et seq.) and by the submission and approval of a new application for participation with ISAC.~~

- ~~c) An institution may not engage in loan origination activities. This prohibition shall not apply if the institution has an ED-approved Origination Agreement on file with ISAC and the institution has been approved as an educational lender. (See Section 2720.25 of this Part and 34 CFR 682.601.)~~
- ~~d) Approved institutions shall provide ISAC with the current enrollment status of students whom the institution has certified as eligible borrowers in accordance with federal regulations. (See 34 CFR 682.610(c).)~~
- ~~e) Applicant and approved institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g., 34 CFR 668.14 and 668.15.)~~
- ~~f) Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulations and State statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.~~
- ~~g) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)~~
- ~~h) A foreign postsecondary institution, located outside the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 23 Ill. Reg. JUL 1 1999 **7537** effective 7-1-99)

Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations.
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note completed---Application/Promissory---Note for the principal and interest on the loan. The lender shall retain the original copy of the promissory note Application/Promissory-Note.
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford Loan checks or electronically transmitted funds shall be payable to the student borrower unless the institution requires all loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.
 - 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.
 - 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.609), the

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

institution shall pay penalty interest.

- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
- k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.
- l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms, provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 23 Ill. Reg. JUL 1 1999 **7537** effective 7-1-99)

Section 2720.55 Federal Consolidation Loan Program

- a) ISAC shall guarantee Federal Consolidation Loans pursuant to Section 428C of the Higher Education Act of 1965, as amended (20 USC 8-5-e-A-1078-3).
- b) Lenders may make Federal Consolidation Loans provided participation in the Federal Consolidation Loan Program is authorized by the Lender Agreement. (See Section 2720.20(a).)
 - 1) ISAC shall initially authorize a lender to issue no more than \$5,000,000 in guaranteed Federal Consolidation Loans.
 - 2) A lender may receive additional lending authority provided an

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

ISAC compliance review indicates the lender is complying with federal regulations, statutes and rules. (See Section 2720.20(f).)

- c) All applications and promissory notes shall be in a form approved by ED. Lenders shall report to ISAC when a Federal Consolidation Loan is made.
- d) Lenders or holders shall request default aversion preclaim assistance and reimbursement on Federal Consolidation Loans in accordance with Sections 2720.60 and 2720.70.
- e) Lenders or holders shall pay the U.S. Department of Education all fees required by Section 428C(f) of the Higher Education Act, as amended, for Federal Consolidation Loans made on or after October 1, 1993.

(Source: Amended at 23 Ill. Reg. 7537, effective JUL 1 1999)

Section 2720.60 Default Aversion Preclaim Assistance

- a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 90 days delinquent. After requesting default aversion preclaim assistance, the lender or holder shall continue with normal collection activity. The following information is requested with the request for assistance, if available:

- 1) name and Social Security Number (SSN);
- 2) employer's name and telephone number;
- 3) home address and telephone number;
- 4) identification of the problem;
- 5) date and amount of each payment;
- 6) loan amounts; and
- 7) number of days delinquent.

- b) The request for default aversion preclaim assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended. no earlier than 90 days after the first day of delinquency and no later than 180 days after the first day of delinquency. For accounts paid less frequently than monthly (e.g., quarterly), the request for preclaim assistance must be filed no earlier than the 148th day of delinquency and no later than the 160th day of delinquency.

- c) For 10 or more accounts submitted in one month, the default aversion request for preclaim assistance request and subsequent default aversion preclaim transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.

- d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) The lender may file for default aversion preclaim or skip-tracing assistance when it has completed its skip-tracing efforts. If it has

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended. within 10 days before or after either the 90th day of delinquency for loans due monthly, or the 150th day for loans that are due less frequently than monthly.

e) When a lender files for preclaim assistance, that lender is automatically filing for supplemental preclaim assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at 23 Ill. Reg. 7537, effective JUL 1 1999)

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or forgiveness due to death, total and permanent disability, attendance at a school that closes, or false certification by a school of a borrower's eligibility for a loan, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.502.)

- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the no earlier than 180 days after the first day of delinquency and no later than 270 days after the first day of delinquency. The lender or holder shall be reimbursed in accordance with federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.

- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.

- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.

- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee insurance premium established by Section 2720.80.

- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.

g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee ~~insurance-premium~~, and the federal loan origination fee, shall be contracted for or received by the lender.

h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)

i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)

j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)

3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.

4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.

k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).

l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.

m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 60 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 23 Ill. Reg. **7537**, effective **JUL 1 1999**)

Section 2720-80 Student Guarantee Fee

a) ISAC charges each borrower a guarantee fee on each guaranteed loan. The fee(s) collected by the lender must be remitted to ISAC no less frequently than monthly.

b) The amount of the guarantee fee collected on each loan shall be no greater than the maximum permitted by the Higher Education Act, as amended. The exact amount of the fee shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the fee shall be determined by resolution of the Commission. When establishing the rate of the fee, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended (20 USCA 8586-A-1071 et seq.).

c) Refunds of guarantee fees shall be made to the borrower in accordance with federal regulations. (See 34 CFR 682.401(b)(10)(vi).)

d) The guarantee fees shall be deposited in the Student Loan Revolving Fund. In accordance with federal regulations, such proceeds may only be used to reimburse lenders for defaulted guaranteed loans, to pay the administrative expenses of ISAC or to pay the reinsurance fee assessed by ED.

(Source: Amended at 23 Ill. Reg. **7537**, effective **JUL 1 1999**)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers:
 - Adopted Action:
 - 2700.20 Amendment
 - 2700.30 Amendment
 - 2700.50 Amendment
 - 2700.60 Amendment
 - 2700.70 Amendment
- 4) Statutory Authority: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg.1546
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: The only changes in this rulemaking were technical in nature and were made in response to suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC made the following substantive amendments:

In Section 2700.20, Definitions, the definition of "consortium agreement" has been deleted, since it is no longer used in the text of the rules. A reference to consortium agreement has now been added to the definition of "contractual agreement", in order to clarify the distinction between the two different types of agreements. A new definition, "FAFSA Receipt Date", has been added in order to help clarify when the Free Application for Federal Student Aid (FAFSA) must be filed in order to meet the required priority consideration dates for MAP (Part 2735). The definitions for both "fire officer" and "police officer" have both been amended, and references to death and disability removed from the definition, since they are already reflected in the program Part (Part 2732), where they more appropriately belong.

In Section 2700.30, General Institutional Eligibility Requirements, a change was made to 2700.30(1) to clarify that while institutions having different main OPE-ID numbers (the first six digits of the eight-digit code number) are treated as separate entities, institutions having different campus codes (the last two digits of the code number) do not constitute separate entities. A new Section 2700.30(n), which relates to reinstatement of institutional eligibility following a significant change of status affecting its participation in federal Title IV financial aid programs, has been added by moving the text from Section 2720.30 (c), in the FFELP Part, to reflect its broader programmatic applicability beyond just FFELP.

Three new documents have been added to the list in Section 2700.50(g)(3) of those documents which may be used to provide evidence of Illinois residency. The addition of these documents is intended to provide applicants and institutions more ways in which to document compliance with existing residency requirements. A new Section 2700.50(j) has been added to specifically exempt benefits under the new Illinois Prepaid Tuition Program, College Illinois!, from being taken into account in determining the eligibility of an applicant for any ISAC gift assistance program, as required by the Illinois Prepaid Tuition Act (Public Act 90-546).

The provision for recovery of funds due to ISAC as a result of audit findings in Section 2700.60(e) has been modified to reflect current practice and to ensure that any refunds are credited to the appropriate fiscal year. Under existing practice, institutions are required to separately repay funds due to ISAC as a result of audits, rather than having such funds deducted from subsequent payments from ISAC to the institution

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

And finally, the appeal procedures in Section 2700.70 have been modified. After being pursued up through the appropriate sequence of ISAC's administrative levels, including the Executive Director, an appeal can be taken to an independent hearing officer. Previously, the decision of the hearing officer could, in turn, be appealed to the Commission. This final step has been eliminated, and the hearing officer's decision is now considered as final. This is being done for a number of reasons. First, the volume of appeals reaching the hearing officer stage is increasing dramatically, and the matters being appealed are increasingly technical in nature. Staff does not wish to burden the Commission itself with lengthy agendas of administrative actions, so that it will have more time available to devote to higher level policy issues. Furthermore, by the time an appeal has made it to the hearing officer level, it has already had numerous reviews by staff at a number of levels, and has had a thorough and fair opportunity for consideration. And finally, an appellant must exhaust all possible levels of appeal before taking a matter to civil court. By shortening the appeal process, staff feels it can expedite the process under which appellants can seek legal remedy.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal procedures
2700.70	Contractual Agreement Requirements
2700.80	

AUTHORITY: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined as

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 682.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA.

"Consortium Agreement" - The written agreement between two or more institutions eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700-30 and subsequent parts of ISAC's rules) whereby one eligible institution provides part of the education program--the students enrolled at another eligible institution--ISAC reserves the right after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Default Status" - The failure or refusal of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFF" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 8-5-e-A- 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 8-5-e-A- 1087nn.)

"FAFSA" - The acronym for the Free Application for Federal Student Aid.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is ~~killed or permanently disabled in the line of duty~~ while employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 8-9-E-A- 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 8-9-E-A- 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

publicly or privately, not for profit, or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Commission on Institutions of Higher Education.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" - The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USCA 475-6-47 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USCA 475-6-47 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a law enforcement officer who is ~~killed-or-permanently-disabled-in-the-line-of-duty-while~~ employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 8-8-E-A-1091.)

"Service Academy" - *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 8-8-E-A-1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 8-8-E-A-1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

State Board of Education.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 23 Ill. Reg. 7550-2, effective JUL 1 1999)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement
1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of both their satisfactory academic progress policy and their tuition refund policy. Public postsecondary institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
- 2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)
 - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
 - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent parts of ISAC's rules.
- h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
 - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
 - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
 - 3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.
 - 4) Institutional applicants which do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC gift assistance programs if the institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See 23 Ill. Adm. Code 2735.60.)
- D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
 - 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
 - 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years.
 - A) On or before June 1 preceding each academic year, an institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other institutions for the following academic year. These letters must be from ISAC-approved MAP institutions which are fully accredited by the North Central Association.
 - B) An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.
 - j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid student assistance agreement with ISAC (see Section 487 of the Higher Education Act of 1965, as amended (20 USC 8548-8548-1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
 - k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
 - l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

associated with the same main OPE-ID number will not be considered separate entities.

m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.

n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 23 Ill. Reg. 7550 III effective JUL 1 1999)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.

g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.

1) Notwithstanding the requirements of subsection (g)(2) below, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.

2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:

- A) the applicant has changed dependency status and has become an independent student;
- B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding twelve months; or
- C) the institution has any information which indicates the applicant may not be a resident of Illinois.

3) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.

- A) A valid State or federal income tax return
- B) Illinois high school or college transcript
- C) Illinois driver's license
- D) Utility or rent bills in the applicant's (or parent's) name
- E) Illinois auto registration card
- F) Residential lease in the applicant's (or parent's) name
- G) Wage and tax statements (IRS Form W-2)
- H) Statement of benefits history from the Illinois Department of Public Aid
- I) State of Illinois identification card issued by the Secretary of State
- J) Statement of benefits from the Illinois Department of Employment Security
- K) Statement of benefits from the Social Security Administration
- L) Illinois voter's registration card
- M) Property tax bill.

4) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2) above, the applicant or the institution may verify residency

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

through ISAC's appeal process. (See Section 2700.70.) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.

i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USCA 858-8-6-A- 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.

j) Prepaid tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) shall not be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.

(Source: Amended at 23 Ill. Reg. 7550, effective JUL 1 1999.)

Section 2700.60 Audits and Investigations

a) ISAC shall audit participating postsecondary institutions. Postsecondary institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the institution is experiencing difficulty meeting the requirements of ISAC's rules or federal regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED verification procedures.

c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

d) The institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's chief executive officer. Audit

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

e) If an audit identifies gift assistance funds which were claimed on behalf of ineligible students, the funds shall be repaid to ISAC by ~~deducted from subsequent payments to~~ the institution.

f) ISAC may visit institutions to conduct investigations related to fraud and abuse of its programs. Campus administrators and/or campus security police may be consulted as part of any ongoing investigation.

(Source: Amended at 23 Ill. Reg. 7550, effective JUL 1 1999.)

Section 2700.70 Appeal Procedures

a) Complainants (including applicants, institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) of this Section ~~below~~, the complainant forfeits all appeal rights.

b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within 15 working days after and including the date of receipt of their appeal.

1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, rules and regulations relevant to the issue appealed.

c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50 (g)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), applicant appeals shall not be written or submitted by a lender or an institution. A lender or an institution may advise an applicant on appeal issues and opportunities.

d) The complainant shall submit an appeal directly to the appropriate ISAC manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.

1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.140, Hearings.

2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.

3) ~~if necessary, the hearing officer's decision can be appealed to the Commission.~~

f) The hearing officer's disposition ~~Commission's~~ dispositions, as provided for by 23 Ill. Adm. Code 2790.70(e), is ~~are~~ considered the final administrative decision ~~decisions~~ as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after the ~~Commission's~~ disposition of the appeal.

(Source: Amended at 23 Ill. Reg. ~~7550~~ effective
JUL 1 1999)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Higher Education License Plate (HELP) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2737
- 3) Section Numbers: Adopted Action:
2737.10 New Section
2737.20 New Section
2737.30 New Section
2737.40 New Section
- 4) Statutory Authority: Implementing Section 37 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/37 and 20(f)].
- 5) Effective Date of Rules: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg.1567
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposed and final version: Several changes to this rulemaking, all of which were technical in nature, were made in response to suggestions from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: New rules are being adopted to implement this program. The rulemaking sets forth the applicant eligibility requirements, program procedures, and institutional procedures.
- 16) Information and questions regarding these adopted rules shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted rules begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2737

HIGHER EDUCATION LICENSE PLATE (HELP) GRANT PROGRAM

Section

2737.10 Summary and Purpose

2737.20 Applicant Eligibility

2737.30 Program Procedures

2737.40 Institutional Procedures

AUTHORITY: Implementing Section 37 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/37 and 20(f)].

SOURCE: Adopted at 23 Ill. Reg. 7571, effective

JUL 1 1999.

Section 2737.10 Summary and Purpose

a) The Secretary of State is authorized to issue special collegiate license plates on behalf of eligible, participating institutions of higher learning. A portion of the proceeds of such license plates sold by the Secretary is appropriated annually to ISAC for the purposes of administering a grant program for students attending degree-granting, not-for-profit private colleges and universities located in Illinois.

b) This Part establishes rules that govern the HELP Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2737.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) enrolled at a degree-granting, not-for-profit private college or university located in Illinois that participates in the collegiate license plate program through the Secretary of State; and
 - 4) able to demonstrate financial need according to a nationally recognized need analysis system.
- b) A recipient of assistance under this program who applies for a renewal award must, in addition to continuing to meet the criteria specified in subsection (a) of this Section, be maintaining satisfactory academic progress as determined by the institution.
- c) Eligibility is restricted to undergraduate students. Recipients must

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

not have received a baccalaureate degree.

Section 2737.30 Program Procedures

- a) All applicants must complete and file the form that the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purposes of determining financial need.
- b) ISAC shall be notified in January of each year of all moneys deposited by the Secretary of State into the University Grant Fund, on behalf of each participating institution, from the issuance or renewal of collegiate license plates during the previous calendar year. The Secretary of State shall deposit \$25 per each set of license plates issued or renewed into the University Grant Fund on behalf of the institution.
- c) Each State fiscal year, all moneys deposited into the University Grant Fund shall be appropriated to ISAC to make reimbursements to participating private colleges and universities for grants made pursuant to this Part.
- d) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time award payments.

Section 2737.40 Institutional Procedures

- a) Funds shall be remitted by ISAC annually to participating institutions on behalf of the recipients. At the beginning of each State fiscal year, ISAC shall notify each participating institution of the amount of funds available for that institution, and shall send a payment request form that must be signed and returned to ISAC.
- b) All grants shall be applicable only to tuition and mandatory fees for two semesters or three quarters in an academic year. Requests for summer assistance must be made separately and shall be considered on an individual basis by the institution.
- c) The institution shall determine the amount of each grant, which shall be the lesser of:
 - 1) \$2,000 for two semesters or three quarters of full-time undergraduate enrollment or \$1,000 for two semesters or three quarters of half-time undergraduate enrollment; or
 - 2) the amount of tuition and mandatory fees applicable to two semesters or three quarters of full-time or half-time undergraduate enrollment; or
 - 3) the amount of the applicant's calculated financial need; or
 - 4) the remaining funds available.
- d) The institution shall award the full amount of funds disbursed to it in the academic year in which it is remitted.
- e) The institution shall notify applicants that grant assistance is contingent upon the availability of funds appropriated for this program.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Numbers: 2733.20
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Amendments: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg. 1571
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

Section 2733.20, Applicant Eligibility, has been amended to incorporate statutory changes contained in Public Act 90-752. Previously, eligibility for benefits under this program had been extended to individuals having served for less than one year of active duty who had served in specific military actions in specific countries. This required the statute, and ISAC's rules, to be amended from time to time to list additional specific military campaigns for which IVG eligibility was conferred. The statutory language has now been modified to provide a more general description of the conditions required to gain eligibility with less than one year of active duty service, i.e., serving in a foreign country in a time of hostilities in that country. Furthermore, the meaning of the term "time

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

of hostilities in a foreign country" is specified in the statute and is incorporated into this Section of the rules. As a result, as future military actions occur, IVG eligibility may be extended to veterans of these campaigns without the necessity of naming them specifically in statute and rules.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the Adopted Amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Applicant Eligibility
2733.20	Program Procedures
2733.30	Institutional Procedures
2733.40	

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided s/he:
- 1) was a:
 - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
 - B) student at an Illinois public university or community college at the time of entering the service; and
 - 2) established or plans to establish Illinois residency within 6

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

months after separation from the Armed Forces, or if married to a person in continued military service:

- A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
- B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).

b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.

c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if his/her separation from such service was characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.

d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

e) An individual is not a qualified applicant if the individual's separation from the Armed Forces of the United States was characterized as other than honorable.

f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:

- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or

2) the veteran's separation prior to August 11, 1967 was

characterized as honorable; or

3) the veteran's separation from such service, which included

service in a foreign country in a time of hostilities in that

country part-of--which--included-deployment-to-the-Persian-Gulf

during-the-Persian-Gulf-War-or-duty-in--Somalia--during--military

operations--to--aid-that-country, was characterized as honorable.

As used in this Section, "time of hostilities in a foreign

country" means any action by the armed forces of the United

States that is recognized by the issuance of a Presidential

proclamation or a Presidential executive order and in which the

armed forces expeditionary medal or other campaign service medals

are awarded according to Presidential executive order.

g) Members of the Reserve Officer Training Corps (ROTC) and a state's

National Guard are not eligible for assistance under this Part.

h) Applicants are not eligible if their only service has been attendance

at a service academy.

i) In order to establish eligibility for this grant, an individual shall

submit to ISAC an application and documentation of all periods of

service.

1) An applicant should submit a copy of his or her Certificate of

Release or Discharge From Active Duty (Form DD 214) or Discharge

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

- 2) If the applicant does not have a copy of the DD 214, s/he should submit documentation which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.

- 3) If the applicant is a member of the Armed Forces at the time of application, s/he shall submit a copy of the original and/or current Enlistment Contract (Form DD4/194/3) and a letter from the commanding officer. If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, a copy of the current contract must be provided with the application as well as copies of all extension contracts. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.

- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, s/he may verify residency by providing one or more of the documents listed below:

- A) Illinois driver's license issued during the relevant six month period;
- B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
- C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
- D) Illinois motor vehicle registration issued during the relevant six month period;
- E) Residential lease in the applicant's name for the relevant six month period;
- F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 7575, effective
JUL 1 1999)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Limitation, Suspension And Termination (L,S&T) Proceedings
- 2) Code Citation: 23 Ill. Adm. Code 2790
- 3) Section Numbers: Adopted Action:
2790.20 Amendment
2790.70 Amendment
- 4) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947] and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.).
- 5) Effective Date of Amendments: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg. 1577
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: One minor, technical change was made in response to a suggestion from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Two definitions, "Administrative Error" and "Admonishment", have been deleted, since, as a result of amendments made in previous years, neither term is used in the rules anymore. Also, in Section 2790.70, Decisions, text has been deleted which references any appeals to the Commission of the decision of a hearing officer. As a result of amendments being made to Section 2700.70, Appeal Procedures, the decision of the hearing officer will now be considered final.
- 16) Information and questions regarding these adopted amendments shall be

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2790

LIMITATION, SUSPENSION AND TERMINATION (L,S&T) PROCEEDINGS

Section	Summary and Purpose
2790.10	Definitions
2790.20	Informal Compliance Procedures and Pre-Hearing Conferences
2790.30	Emergency Action
2790.40	Suspension Proceedings
2790.50	Limitation or Termination Proceeding
2790.60	Decisions
2790.70	Verification of Mailing and Receipt Dates
2790.80	Limitation
2790.90	Termination
2790.100	Payment Period
2790.110	Reimbursements, Refunds, Offsets and Penalties
2790.120	Reinstatement After Termination
2790.130	Hearings
2790.140	Matrix (Repealed)

APPENDIX A

AUTHORITY: Implementing and authorized by the Higher Education Student Assistance Act [10 ILCS 947/20(f)] and the Higher Education Act of 1965, as amended (20 USCA 1070 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 11638, effective September 13, 1982; codified at 7 Ill. Reg. 9926; amended at 9 Ill. Reg. 20836, effective January 1, 1986; amended at 11 Ill. Reg. 3214, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1790 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2790 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17861; amended at 15 Ill. Reg. 14264, effective September 23, 1991; amended at 16 Ill. Reg. 11269, effective July 1, 1992; amended at 20 Ill. Reg. 9206, effective July 1, 1996; amended at 21 Ill. Reg. 11148, effective July 18, 1997; amended at 22 Ill. Reg. 11123, effective July 1, 1998; amended at 23 Ill. Reg. ~~7581~~ ⁷⁵⁸¹, effective ~~July 1, 1999~~ ^{JUL 1 1999}.

Section 2790.20 Definitions

"Action" - An administrative proceeding conducted under this Part.

"Administrative Error" - Conduct resulting in the loss of a loan guarantee, creating a financial liability, or resulting in a refund due ISAC or EB, including but not limited to overbilling interest, failing to cancel loans on a timely basis, failing to make timely

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

established by the Higher Education Act of 1965, as amended, including an institution of higher education (as defined in 34 CFR 600.4), a proprietary institution of higher education (as defined in 34 CFR 600.5), and a postsecondary vocational institution (as defined in 34 CFR 600.6).

"Suspension" - The removal of an applicant's or an institution's eligibility for any or all ISAC programs for a specified period of time or until the problem that initiated the limitation, suspension or termination proceeding(s) is resolved.

"Termination" - The unqualified removal of an applicant's or an institution's eligibility for any or all programs for an indefinite period of time, but in no event less than 18 months.

(Source: Amended at 23 Ill. Reg. 7581, effective JUL 1 1999)

Section 2790.70 Decisions

- a) The hearing officer issues a decision based on findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. A recommended decision must be issued no later than 30 days after the conclusion of the hearing.
- b) The hearing officer's decision will be promptly mailed to all parties.
- c) The hearing officer's decision is final. May be appealed to the Commission by filing exceptions to the decision and a brief in support of those exceptions no later than 20 days after the receipt of the decision. The opposing party shall have 20 days from the receipt of the exceptions and supporting brief to file a response. If no timely exceptions are filed, the party will be deemed to have waived any exceptions and the hearing officer's decision shall be implemented.
- d) All exceptions, briefs and reply briefs shall be filed with the Executive Director.
- e) Each exception shall set forth specifically the questions of procedure, fact, law or policy to which exceptions are taken and shall identify that part of the hearing officer's decision to which objection is made. The supporting brief shall designate by precise citation of pages, the portions of the record relied upon and shall state the grounds for the exceptions and a citation of authorities.
- f) The Executive Director shall submit to the Commission the hearing officer's decision, exceptions and briefs.
- g) The decision of the hearing officer does not take effect while an appeal is pending, unless the Commission determines that a stay would produce a serious and adverse effect upon the programs involved.
- h) In the case of an appeal, the Commission issues a final administrative

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

refunds, overbilling of interest subsidy and special allowance due diligence violations in making, disbursing and servicing loans or conduct resulting in obtaining scholarship and/or grant funds for which the institution or applicant is not entitled.

"Admonishment" - A written reprimand which warns the institution or applicant that a repeat of the same offense will be subject to a penalty of greater severity. Admonishments shall be a matter of public record and may be imposed in lieu of a more severe sanction.

"Funds" - Any money, commitments to provide money, and commitments of insurance or reinsurance provided under any or all programs.

"Hearing Officer" - An impartial person, appointed by the Executive Director of ISAC, or his or her designee, with no prior involvement with the facts giving rise to the limitation, suspension or termination action, who is:

an attorney who has been admitted to practice law in Illinois for at least five years preceding appointment by the Executive Director and possesses those additional qualifications as are necessary to obtain appointment as an arbitrator pursuant to Section 2-1003A of the Mandatory Arbitration System in Illinois [735 ILCS 5/2-1003A]; or

a person who is an arbitrator qualified by the American Arbitration Association; or

any other person who meets the qualifications for the position of Administrative Law Judge for the Federal Government.

"Institution" - For purposes of this Part, any educational or lending institution which participates in any ISAC program(s).

"ISAC Official" - Any official of ISAC to whom the Executive Director has delegated the responsibility of initiating and pursuing an action under this Part.

"Lender" - Defined by Section 435(d) of the Higher Education Act of 1965, as amended (20 USCA 1085(d)).

"Limitation" - The continuation of an applicant's or an institution's eligibility for any or all programs subject to compliance with special conditions or restrictions which have been established by ISAC as necessary for the institutions initial or continued participation in ISAC programs.

"School" - An institution eligible to participate in the programs

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

~~decision--affirming--modifying--or--reversing--the--hearing-officer's~~
~~decision--including--a--statement--of--reasons--for--the--decision--~~

(Source: Amended JUL 1 1999 23 Ill. Reg. 7581, effective

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Merit Recognition Scholarship (MRS) Program

2) Code Citation: 23 Ill. Adm. Code 2761

3) Section Numbers: Adopted Action:
 2761.10 Amendment
 2761.20 Amendment
 2761.30 Amendment

4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

5) Effective Date of Amendments: July 1, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg. 1583

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposed and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A number of amendments have been made to incorporate statutory changes contained in Public Act 90-728, which expanded eligibility for MRS benefits to students enrolled at high schools not recognized by the State Board of Education. As a result, several references to "approved high schools" throughout this Part have been amended to "participating high schools" to reflect this change. In Section 2761.20, Applicant Eligibility, the eligibility criteria for qualified applicants have been divided into two separate subsections. For students attending an approved Illinois high school, the criteria remain the same as they have been, based on cumulative high school grade point average. For students not attending an approved high school, the statute

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

now provides for an alternate method of qualifying for consideration for MRS benefits, based on standardized test scores.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	Summary and Purpose
2761.10	Applicant Eligibility
2761.20	Program Procedures
2761.30	Institutional Procedures
2761.40	

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11166, effective July 18, 1997; amended at 22 Ill. Reg. 11135, effective July 1, 1998; amended at 23 Ill. Reg. ~~7587~~ **7587**, effective

~~JUL 1 1999~~

Section 2761.10 Summary and Purpose

- The Merit Recognition Scholarship (MRS) Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1000 award which must be used for enrollment at an approved-illinois postsecondary institution of higher learning or any service academy.
- This Part establishes rules which govern the MRS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 23 Ill. Reg. ~~7587~~ **7587**, effective

~~JUL 1 1999~~)

Section 2761.20 Applicant Eligibility

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- a) A qualified applicant attending an ~~shall be: a student-at-any~~ approved high school located in Illinois shall be:
- 1) 80% complete with the high school's program of instruction;
 - 2) at or above the 95th percentile of his or her high school class after having earned a seventh semester cumulative high school grade point average;
 - 3) a person of good moral character;
 - 4) a resident of Illinois;
 - 5) a United States citizen or permanent resident of the United States; and
 - 6) enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) A qualified applicant attending a high school located in Illinois other than an approved high school shall be:
- 1) 80% complete with the high school's program of instruction and in attendance at the end of the seventh semester;
 - 2) a student whose Illinois Standard Test Score is at least seven points above the statewide average test score as determined annually by the Illinois State Board of Education for tests taken during the time frame designated for the State Scholar Program (see 23 Ill. Adm. Code 2760.20(b));
 - 3) a person of good moral character;
 - 4) a resident of Illinois;
 - 5) a United States citizen or permanent resident of the United States; and
 - 6) enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- c) A qualified applicant shall not have already received a baccalaureate degree.
- d) For the purposes of this Section, seventh semester means the period of instruction when a student has completed 80% of the approved high school's program of instruction. The seventh semester usually will be the student's next to last term.

(Source: Amended at 23 Ill. Reg. 7587, effective JUL 1 1999)

Section 2761.30 Program Procedures

- a) In February of every year, participating approved high schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are qualified applicants.
- 1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by participating approved high schools shall be subject to audit by ISAC.
 - 2) ISAC shall then promptly notify those qualified applicants who

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- are reasonably assured of receiving MRS awards in accordance with annual funding levels recommended in the Governor's Budget.
- b) Qualified applicants shall be sent an MRS application which must be completed by the student and the postsecondary institution attended by the applicant. A complete application must be received by ISAC within one year after and including the date of high school graduation but absolutely no later than June 15th of the academic year immediately following graduation from the approved Illinois high school. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.
 - c) ISAC shall disburse scholarship funds in two installments increments based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer term.
 - d) Funds shall be remitted to institutions on behalf of the recipients.
 - e) Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, required service academy uniforms, and travel and personal expenses related to the recipient's enrollment.
 - f) Should the recipient withdraw from enrollment during the first term financed by the scholarship, the recipient shall return to ISAC the full amount of the award.

(Source: Amended at 23 Ill. Reg. 7587, effective JUL 1 1999)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers: Adopted Action:
2735.30 Amendment
2735.40 Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective Date of Amendments: July 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 5, 1999, 23 Ill. Reg.1588
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: One change was made in response to a letter of public comment, which observed that in the process of amending Section 2735.30(c) to incorporate the use of the new defined term "FAFSA receipt date", the priority consideration date for a full-year MAP award for first-time applicants had inadvertently been misstated. That language has been corrected to read "no later than September 30 of the regular school year for which the application is being made", rather than "no later than September 30 immediately prior to the regular school year for which application is being made". The only other change in this rulemaking was technical in nature and was made in response to a suggestion from JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In Section 2735.30, Program Procedures, a number of changes have been made to language describing the priority

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

consideration dates and priority processing guidelines. First, the new defined term of "FAFSA receipt date" has been incorporated in order to clarify that applications must be physically received, not postmarked, on or before the indicated dates. Second, dates have been re-stated to reference the last acceptable date by which the application must be received, as opposed to the date before which the application must be received. And finally, the date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended to June 30. While previously the Commission has been able to extend to this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. In both Sections 2735.30 and 2735.40, the term "tuition and mandatory fee" has been inserted in order to clarify that the use of MAP funds is restricted to these particular costs. In Section 2735.40 (d), benefits through the Illinois Prepaid Tuition program, College Illinois!, are specifically excluded from the customary treatment of prepaid tuition benefits, as required by the Illinois Prepaid Tuition Act (Public Act 90-546).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section

2735.10 Summary and Purpose

2735.20 Applicant Eligibility

2735.30 Program Procedures

2735.40 Institutional Procedures

2735.50 Advance Payment Option

2735.60 Contractual Agreement Requirements (Repealed)

APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective JUL 1 1999.

Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 8546-A-1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans'

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

or Social Security benefits).

c) Priority Consideration Dates

In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than June 30 immediately prior to the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.

Regular school year applications must be received before June 1 immediately preceding the regular school year for which the application is being made from students who had applied for a MAP grant for the previous regular school year in order to receive priority consideration for a full year award. Regular school year applications must be received before October 1 from students who had not applied for a MAP grant the previous regular school year in order to receive priority consideration for a full year award.

d) Priority Processing Guidelines

1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

- A) For applications with a FAFSA receipt date of no later than June 30 prior to June 1 preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
- B) For applications with a FAFSA receipt date of July 1 or later, but not later than September 30 from June 1 until October 1, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;
- C) For applications with a FAFSA receipt date of October 1 or later, on or after October 17 and until the date of final suspension of award announcements for that regular school year, students who had not applied for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only; while students who did apply for a MAP award the previous regular school year will not be considered for a MAP award at all.
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.

- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.

- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of July 1 or later ~~missed--the--June--1~~ ~~priority--date~~ and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.

- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.

- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.

- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.

- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.

- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:

- 1) maximum award specified at 110 ILCS 947/35(c); or
- 2) institution's tuition and mandatory fee charges on file with ISAC.

- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

- l) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.

- n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.

- o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)

- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, noncredit course offerings (except qualifying remedial courses), clock hour programs or correspondence courses. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.

- q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

- r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)

- s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.

- t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.

- u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:

- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
- 3) The recipient must be enrolled full-time.
- 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

(Source: Amended at 23 Ill. Reg. ~~7502~~ 7598 effective ~~JUL 1 1999~~)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:

- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
- 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- g) Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.
- h) Institutions of higher learning shall submit payment requests to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2735.20, Applicant Eligibility.
- i) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:

- 1) The recipient must indicate his/her institution of record on the MAP application.
- 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.
- 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
- 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
- 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
- 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
- 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
- 3) Under no circumstances are institutions to submit their payment requests until after the second week of classes for the term for which they are requesting payment.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

m) Institutional Processing of Payments

- 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
- 2) Institutions are required to reconcile payments received through MAP. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)
- 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

(Source: Amended at 23 Ill. Reg. 7592 effective
JUL 1 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Conservation 2000 - Ecosystems Program
- 2) Code Citation: 17 Ill. Adm. Code 1523
- 3) The Notice of Proposed Amendments being corrected appeared at:
23 Ill. Reg. 6202, dated May 28, 1999
- 4) The information being corrected is as follows:
Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Individuals, organizations or corporations may apply for grants to undertake Ecosystem Projects within Ecosystem Partnership Areas.
 - B) Reporting, bookkeeping or other procedures required for compliance: Written report requirements are due throughout the life of the project; bidding of purchases in excess of \$10,000; competitive selection process required for purchase of professional or artistic services, computer and telecommunications equipment; supporting documentation is required for reimbursement.
 - C) Types of professional skills necessary for compliance: None

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1996), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000.00 against The Money Shop of Palos Heights, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 15, 1999.

DEPARTMENT OF AGING
JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Community Care Program (89 Ill. Adm. Code 240)

1) Rulemaking:

- A) A description of the rules(s):

Rulemakings: amend procurement rules, service maximum rules, income and asset rules, prescreening rule; and publish new rules with respect to the Senior Companion Program; Emergency Home Response Service; Home Delivered Meals; Money Management Service and Criminal Background Checks.

- B) Statutory Authority: 20 ILCS 105/4.01 (1)

- C) Scheduled meeting/hearing dates:

The Department does anticipate conducting public hearings on all substantive rulemaking.

- D) Date agency anticipates First Notice:

The Department anticipates First Notice during the period of time after July 1, 1999, but prior to December 31, 1999.

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217)785-3346

- G) Related rulemakings and other pertinent information:

Any rules which are referenced in any of the proposed rule filings.

CAPITAL DEVELOPMENT BOARD

JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Standards for Award of Grants: School Construction Program, 71 Ill. Adm. Code 40

1) Rulemaking: Proposed Amendments

A) Description: Rulemaking may be necessary to implement Senate Bill 840, should it be enacted, which allows schools to exceed debt limitations for certain capital projects when certified by CDB.

B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Not known at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
Wm. G. Stratton Building, 3rd Floor
Springfield, IL 62706
217/782-0700

G) Related rulemakings and other pertinent information: See A above.

DEPARTMENT OF LABOR

JULY 1999

REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Freedom of Information, 2 Ill. Adm. Code 1400.

1) Rulemaking:

A) Description: The proposed rulemaking will pertain to the availability of public records and procedures to be followed, including:

i) the times and places where such records will be made available; and,

ii) the persons from whom such records may be obtained.

B) Statutory Authority: Freedom of Information Act, 5 ILCS 140/3 (g) (1998).

C) Scheduled meeting/hearing date: Not yet determined.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.

F) Agency contact person for information:

Name: Tamara Tanzillo
Deputy Director
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1612

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Arbitration Policies, Functions, and Procedures, 56 Ill. Adm. Code 110.

1) Rulemaking:

A) Description: The proposed rulemaking will update the regulations under the Labor Arbitration Services Act, 710 ILCS 15/1-14 (1998), and adjust the Department's administration of the Act accordingly, including but not limited to, updating incorporations by reference, increasing the administrative filing fee charged by the Illinois

DEPARTMENT OF LABOR

JULY 1999

REGULATORY AGENDA

Arbitration Service, and increasing the per diem fee charged by arbitrators, except Department employees.

- B) Statutory Authority: Labor Arbitration Services Act, 710 ILCS 10/3 (1998).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: Fees for services will increase.

F) Agency contact person for information:

Name: Tamara Tanzillo
Deputy Director
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1612

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Health and Safety, 56 Ill. Adm. Code 350.

1) Rulemaking:

- A) Description: The proposed rulemaking will:

- i) update the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 (d) of the Health and Safety Act requires IDOL to adopt all federal occupational safety and health standards (OSH rules) the U.S. Secretary of Labor promulgates, modifies or revokes, within 60 days of their effective date unless the State already has in place alternative rules that are at least as effective as the OSH rules. See 820 ILCS 225/4 (d) (1998). Since 1985, IDOL has incorporated by reference all final OSH rules published in 29 CFR 1910, 1915 and 1926. Adoption of these rules ensures that public sector workers are provided with the same level of protection that is afforded to private sector workers within the State; and,

DEPARTMENT OF LABOR

JULY 1999

REGULATORY AGENDA

- ii) amend 56 Ill. Adm. Code 350.195 to provide that hearings under Part 350 will be conducted in accordance with the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 - 10-70 (1998) and the Department's rules under 68 Ill. Adm. Code 680.230.

- B) Statutory Authority: Safety Inspection and Education Act, 820 ILCS 220/2 (k) (1998) and Health and Safety Act, 820 ILCS 225/4 and 7 (1998).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: Due to the preemptive effect of the federal OSH Act, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

The amendment to 56 Ill. Adm. Code 350.195 will harmonize the Director of Labor's administration of contested cases under the Safety Inspection and Education Act and Health and Safety Act with the procedural rules that apply to a majority of the contested cases conducted under the jurisdiction of the Director of Labor and the Department.

F) Agency contact person for information:

Name: Tamara Tanzillo
Deputy Director
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1612

DEPARTMENT OF LABOR

JULY 1999

REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Statewide Displaced Homemakers Program, 56 Ill. Adm. Code 365

1) Rulemaking

- A) Description: The proposed rulemaking will update the regulations under the Displaced Homemakers Assistance Act, 20 ILCS 615/1-8 (1998), and replace each reference to the Department of Commerce and Community Affairs in the regulations with a reference to the Department of Labor.
- B) Statutory Authority: Displaced Homemakers Assistance Act, 20 ILCS 615/ 5 (e) and (8) (1998).
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates First Notice: Not yet determined.
- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.
- F) Agency contact person for information:

Name: Tamara Tanzillo
Deputy Director
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1612

- e) Part(s) (Heading and Code Citation): Rules and Regulations Relating to the Operation of Private Employment Agencies, 68 Ill. Adm. Code 680.100.

1) Rulemaking:

- A) Description: The proposed rulemaking will:

- i) remove outdated references to the Illinois Human Rights Act and the Illinois Human Rights Commission contained in sections 680.100 - 680.140; and,
- ii) update section 680.230, the procedural rules that

DEPARTMENT OF LABOR

JULY 1999

REGULATORY AGENDA

- apply to a majority of contested cases conducted under the jurisdiction of the Director of Labor and the Department.

- B) Statutory Authority: Private Employment Agency Act, 225 ILCS 515/1 (1998) and Illinois Administrative Procedure Act, 5 ILCS 100/10-5 (1998).
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates First Notice: Not yet determined.
- E) Affect on small businesses, small municipalities or not for profit corporations: No adverse impact anticipated.
- F) Agency contact person for information:

Name: Tamara Tanzillo
Deputy Director
Address: Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601
Telephone: (312) 793-1612

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 15, 1999 through June 21, 1999 and have been scheduled for review by the Committee at its July 20, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/31/99	Department of Natural Resources, Squirrel Hunting (17 Ill Adm Code 690)	4/23/99 23 Ill Reg 4679	7/20/99
7/31/99	Department of Professional Regulation, Podiatric Medical Practice Act of 1987 (68 Ill Adm Code 1360)	4/16/99 23 Ill Reg 4379	7/20/99
8/4/99	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	4/30/99 23 Ill Reg 5215	7/20/99

PROCLAMATION

99-209

FESTIVAL OF CULTURES DAYS(Revised)

Whereas, Mayor George Van Dusen and the Village of Skokie will host the 8th Annual Skokie Festival of Cultures May 22-23, 1999; and

Whereas, the Skokie Festival of Cultures was created to celebrate the ethnic and cultural diversity of Skokie which is a community with many cultures, races, religions and nationalities; and

Whereas, the Skokie Festival of Cultures promotes an appreciation and understanding of cultural diversity through the traditional ethnic/folk arts, music, dance, art, literature, history, education, film, demonstrations, exhibits and food; and

Whereas, the Skokie Festival of Cultures strengthens relationships within the community by fostering communication between social, civic, and educational groups;

Therefore, I George H. Ryan, Governor of the State of Illinois, proclaim May 22-23, 1999, as *SKOKIE FESTIVAL OF CULTURES DAYS* in Illinois.

Issued by the Governor May 5, 1999.

Filed by the Secretary of State May 24, 1999.

99-217

DISASTER AREA - JO DAVIESS COUNTY

GUBERNATORIAL PROCLAMATION

A system of severe thunderstorms accompanied by high winds and torrential rains occurred on Sunday, May 16, 1999. These storms delivered more than ten (10) inches of rain, which resulted in flash flooding and flooding in Jo Daviess County. This has caused a disruption of public services and damage to local roads and bridges.

In the interest of responding to the threat imposed to public health and safety as a result of the storm system, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Jo Daviess County as a disaster area, pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other state agencies. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor May 18, 1999.

Filed by the Secretary of State May 18, 1999.

99-218

DR. BYRON J. FRANCIS DAY

WHEREAS, the Illinois Department of Public Health's Division of Infectious Diseases, previously known as the Division of Disease Control, is responsible for protecting the people of Illinois from a variety of serious illnesses, including HIV/AIDS, sexually transmitted diseases, tuberculosis, communicable diseases and vaccine-preventable diseases; and

WHEREAS, Dr. Byron J. Francis, after serving as chief of the Division of

PROCLAMATION

Epidemiology with the Washington State Health Department for four years, became chief of the Division of Disease Control in July 1972; and

WHEREAS, Dr. Francis has capably served the Illinois Department of Public Health as chief of the Division of Disease Control from July 1972 through September 1985, as associate director for health protection from October 1985 to May 1991, and as state epidemiologist from May 1991 to April 30, 1999; and

WHEREAS, Dr. Francis also served the state with distinction as the acting director of the Illinois Department of Public Health from April 16 to November 12, 1979, restoring the agency's credibility following a period of legislative criticism; and

WHEREAS, Dr. Francis willingly served as director of the Department's preventive medicine residency program from 1977 to January 1998, mentoring other physicians and encouraging them to follow in his footsteps and choose a career in public health and preventive medicine; and

WHEREAS, Dr. Francis is now retiring from the Illinois Department of Public Health after almost 27 years of dedicated service to the department and to the State of Illinois; and

WHEREAS, Dr. Francis' many years of contributions have undoubtedly prevented countless Illinois cases of infectious diseases and numerous deaths;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 18, 1999, as *DR. BYRON J. FRANCIS DAY* in Illinois and wish him happiness and health in all of his future endeavors.

Issued by the Governor May 13, 1999.

Filed by the Secretary of State May 24, 1999.

99-219

THE INDEPENDENT ORDER OF SVITHIOD DAY

WHEREAS, the Independent Order of Svithiod, an 118 year old Scandinavian Fraternal organization, is sponsoring its 74th Annual Svithiod Day Outing; and

WHEREAS, the 74th Svithiod Day Outing will take place at Vasa Park in Elgin, Illinois, with an expected crowd of 400 people; and

WHEREAS, the Day will consist of traditional Scandinavian food, Scandinavian program and the traditional raising of the "Maypole"; and

WHEREAS, the program will include the Syerige-Barnen (Swedish Children's Dancing and Singing Club), "The Connection" a men's chorus from Rockford, and Leikarringen "Heimhug" and Norwegian Folkdance Group from Chicago; and

WHEREAS, Independent Order of Svithiod is to be commended for their charitable work, providing scholarships to the youth and for promoting the rich Scandinavian culture, heritage and tradition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 21, 1999, as *THE INDEPENDENT ORDER OF SVITHIOD DAY* in Illinois.

Issued by the Governor May 13, 1999.

Filed by the Secretary of State May 24, 1999.

99-220

JOHN S. HEMMER COMMEMDED

WHEREAS, the State of Illinois and Japan recognize the mutual importance of close economic ties with each other, which have resulted in more than three billion dollars in trade last year; and

PROCLAMATION

WHEREAS, the state has maintained a close relationship with the Japanese business community through the Illinois Department of Commerce and Community Affairs (DCCA) office in Tokyo, Japan, since 1987, with responsibility for overseas trade and investment promotion of Illinois goods and services to not only Japan, but also Korea, Australia, New Zealand and Oceania; and

WHEREAS, John S. Hemmer has lived in Japan since 1982, is fluent in the Japanese language, and joined the State of Illinois' North Asia and Oceania office in 1987 and currently serves as its Managing Director; and

WHEREAS, the American State Offices Association (ASOA), which was established in 1980 to promote the mutual interests of U.S. state offices located in Japan, is the largest overseas state representative organization consisting of the 34 states that have offices in Japan, six associate members and one non-resident member state, and Illinois has been a member of this organization since 1984; and

WHEREAS, ASOA provides state offices and local government agency members with the organizational framework necessary for collective action and information exchange and has become a valued ally for its reputation as an activist organization that creates programs and implements policy agreements with members and the Japanese business community; and

WHEREAS, Mr. Hemmer was elected by his ASOA peers and colleagues as Vice President of this distinguished trade organization for two consecutive terms (1996 and 1997) and was elected President in 1998, when he played an important role in promoting and enhancing the U.S.-Japan relationship through trade, investment and tourism activities; and

WHEREAS, Mr. Hemmer was re-elected as President of the ASOA signifying the great level of confidence the organization has in his commitment and his vision for the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, commend John S. Hemmer as President of the American State Offices Association for his enthusiastic efforts on behalf of the State of Illinois.

Issued by the Governor May 13, 1999.

Filed by the Secretary of State May 24, 1999.

99-221

JOHN W. COMERIO DAY

WHEREAS, John W. Comerio has served the people of the State of Illinois with dedication and distinction for nearly 30 years; and

WHEREAS, John W. Comerio has been a cornerstone of the Departments of Conservation and Natural Resources and a trusted advisor to agency directors and Illinois governors too numerous to mention; and

WHEREAS, John W. Comerio has left his mark on every major initiative undertaken by the agencies during the past three decades -- Park and Conservation 1 and 2 funding, OS/AD and bikeway grant programs, wetlands protection, C2000 and the Openlands Trust to name just a few; and

WHEREAS, John W. Comerio has been honored by many nationally recognized organizations including NASORLO, NSPR, IAPD and the University of Illinois; and WHEREAS, John W. Comerio has established a statewide, national and international reputation for excellence; and

WHEREAS, John W. Comerio has exemplified truly outstanding public service and has served as a mentor and role model for others to follow; and

PROCLAMATION

WHEREAS, John W. Comerio will begin his retirement on May 25, 1999;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 May 25, 1999, as JOHN W. COMERIO DAY in Illinois.
 Issued by the Governor May 13, 1999.
 Filed by the Secretary of State May 24, 1999.

99-222

LYME DISEASE AWARENESS MONTH

WHEREAS, Lyme disease is the most common tick-borne and vector-borne disease, with more than 125,000 cases reported by 49 states since 1980; and
 WHEREAS, Lyme disease is spread primarily by the bite of several types of ticks infected with the bacterium *Borrelia burgdorferi* and disease-transmitting ticks can be found across the country - including in Illinois - in woods, parks, beaches and yards, and can be carried into new areas by a wide variety of animals and birds; and

WHEREAS, the early indicators of infection - flu-like symptoms and/or an enlarging rash - may not appear or may be missed, allowing the disease to disseminate and cause serious, permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen, blood vessels and kidneys; and

WHEREAS, the bacterium can cross the placenta and infect a developing fetus; and

WHEREAS, Lyme disease is difficult to diagnose because it imitates other conditions and there is no reliable test that can prove who is infected or who is bacteria-free, which often leads to misdiagnosis; and

WHEREAS, Lyme disease is most easily treated when diagnosed early and is more difficult to treat if discovered after dissemination occurs, making early detection and treatment more important; and

WHEREAS, the best solution to the threat of Lyme disease is educating people about the seriousness, prevention and early detection of all tick-borne diseases as well as showing more compassion toward patients and their families; and

WHEREAS, people still need to practice personal protection techniques to prevent other tick transmitted diseases, such as ehrlichiosis, babesiosis, tularemia, Rocky Mountain spotted fever, tick paralysis, Colorado tick fever and relapsing fever;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 May 1999 as LYME DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor May 13, 1999.

Filed by the Secretary of State May 24, 1999.

99-223

MS DINNER OF CHAMPIONS DAY

WHEREAS, multiple sclerosis (MS), a neurological disease of the central nervous system, is the number one disabling disease of women and men between the ages of 20 and 40; and

WHEREAS, each year, 10,000 new cases of MS are diagnosed, and an estimated 350,000 people nationwide have MS; and

WHEREAS, through contributions and fund-raising events such as the MS

PROCLAMATION

DINNER OF CHAMPIONS, the Chicago-Greater Illinois Chapter of the National MS Society seeks to increase public awareness and financial support for research and programs and services for the 10,000 people of Illinois who have MS; and

WHEREAS, the MS DINNER OF CHAMPIONS recognizes individuals such as corporate philanthropic honorees, Kemper Insurance; corporate sponsor, Jewel-Osco; sports notables, Mike Ditka, Johnny Red Kerr, Jim McMahon and Ron Turner; volunteer of the year, Tom Dreesen; and MS athlete of the year, Barbara Hostert;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 June 15, 1999, as MS DINNER OF CHAMPIONS DAY in Illinois, and urge all citizens to show their support for multiple sclerosis research and programs.
 Issued by the Governor May 13, 1999.
 Filed by the Secretary of State May 24, 1999.

99-224

THOMAS J. DOYLE DAY

WHEREAS, Thomas J. Doyle will retire in June of 1999; and
 WHEREAS, Thomas J. Doyle has been the principal of Byrne Elementary School since September of 1989; and

WHEREAS, Thomas J. Doyle has served the educational community and the State of Illinois as a teacher, administrator and community activist; and

WHEREAS, Thomas J. Doyle has served on the Illinois Association for Supervision and Curriculum Development, the Mary McDowell Settlement Alumni Association, the Chicago Area Reading Council and numerous other boards and commissions; and

WHEREAS, Thomas J. Doyle was given a cumulative score of 32 during his 1997 Principal Performance Review; and

WHEREAS, Thomas J. Doyle has dedicated his life to education and is a friend and mentor to the leaders of tomorrow;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 May 21, 1999, as THOMAS J. DOYLE DAY in Illinois.

Issued by the Governor May 13, 1999.

Filed by the Secretary of State May 24, 1999.

99-225

CHRISTIAN HERITAGE WEEK

WHEREAS, men like Benjamin Franklin, George Washington, Thomas Jefferson, James Madison, Patrick Henry and George Mason, along with other great men and women in the history of our country, were Christian statesmen of great integrity; and

WHEREAS, Citizens for Excellence in Education and Christian Heritage Ministries began the first "Christian Heritage Week" which occurred in New Mexico on November 10-16, 1991; and

WHEREAS, during September 1999 many Illinois students will learn about the famous Christians in the history of this country; and

WHEREAS, research and information about Christian heritage has been done by Christian Heritage Ministries, which is "dedicated to the preservation of America's Christian history"; and

WHEREAS, Christian Heritage Ministries will celebrate the research of

PROCLAMATION

Christian heritage and the dissemination of this information to Illinois' youth;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26-October 2, 1999, as *CHRISTIAN HERITAGE WEEK* in Illinois.

Issued by the Governor May 14, 1999.

Filed by the Secretary of State May 24, 1999.

99-226

LEADERSHIP SPRINGFIELD DAY

WHEREAS, Leadership Springfield was founded in 1986 by the Greater Springfield Chamber of Commerce and the Junior League of Springfield; and

WHEREAS, the purpose of Leadership Springfield is to identify and motivate emerging leaders from a cross-section of the community and develop their potential for civic leadership by exposing them to the realities, opportunities and challenges of the community; and

WHEREAS, Leadership Springfield is one of 500 leadership training institutes throughout the United States designed to provide education and training to individuals who want to strengthen their community by becoming more involved; and

WHEREAS, the 1998-99 graduating class of Leadership Springfield, with 27 participants, has completed the eight month program and worked on various projects benefiting the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 1999, as *LEADERSHIP SPRINGFIELD DAY* in Illinois.

Issued by the Governor May 14, 1999.

Filed by the Secretary of State May 24, 1999.

99-227

LARRY SMITH DAY

WHEREAS, Larry Smith is retiring from GTE on May 21, 1999; and

WHEREAS, Larry Smith began his career with GTE in 1966 as a Communications Consultant; and

WHEREAS, in 1979 Larry Smith was named the Director of Business and Regulatory Relations; and

WHEREAS, in 1982 Larry Smith was named the State Director of Regulatory Affairs and held that position until he was named Director of Special Projects in 1998; and

WHEREAS, Larry Smith will retire with his wife, Cindy, to reside in the Bloomington, Illinois, area;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 21, 1999, as *LARRY SMITH DAY* in Illinois.

Issued by the Governor May 17, 1999.

Filed by the Secretary of State May 24, 1999.

99-228

PLAYGROUND SAFETY DAY

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year equaling an average of one playground-related emergency

PROCLAMATION

room visit every two-and-one-half minutes; and

WHEREAS, the Illinois Association of Park Districts and the Illinois Park and Recreation Association have been in the forefront of the public playground safety movement in the United States for more than 10 years; and

WHEREAS, in 1990 their members were instrumental in founding the National Playground Safety Institute (NPSI), a standing committee of the National Recreation and Park Association (NPRA) which established in 1994 the only national certification program for playground safety inspectors, and helped to identify key areas that substantially reduce the number of playground injuries and keep our children safe by providing proper maintenance and inspection programs; and

WHEREAS, their members authored Public Playground Planning Guide, March 1995, for the Illinois Department of Natural Resources to assist schools, parks, day care facilities and other providers of public playground environments throughout the State of Illinois to plan, construct, inspect, and maintain safe, accessible, fun yet challenging play environments for our children; and

WHEREAS, the Park District Risk Management Agency, an intergovernmental cooperative of 125 public park and recreation agencies, has authored a model plan to assist playground operators in the establishment of a comprehensive public playground safety program; and

WHEREAS, Illinois' commitment to playground safety is demonstrated by the 183 Certified Playground Safety Inspectors who have credentials in the state, and by their contribution as authors to the NPSI program textbook *Play It Safe: An Anthology Of Playground Safety*; and

WHEREAS, spring is often a time when children head to the playground, and a large percentage of playground injuries occur from April through June; and

WHEREAS, the safety and well-being of children is a priority of this state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29, 1999, as *PLAYGROUND SAFETY DAY* in Illinois.

Issued by the Governor May 17, 1999.

Filed by the Secretary of State May 24, 1999.

99-229

RENA K. COTSONES DAY

WHEREAS, Rena K. Cotsones has served the Rockford Area Chamber of Commerce, the Northern Illinois business community and the interests of the State of Illinois as the Executive Director of the Rockford Area Chamber of Commerce; and

WHEREAS, Rena K. Cotsones' leadership has earned her wide regard throughout the Northern Illinois business community; and

WHEREAS, Rena K. Cotsones' selfless dedication to advancing regional public policy, cultural, educational and social issues has been widely recognized; and

WHEREAS, Rena K. Cotsones is committed to the Rockford community; and

WHEREAS, Rena K. Cotsones' credibility, integrity and impeccable conduct have continually placed her in the vanguard of advocacy and information dissemination on behalf of the Rockford area business community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

PROCLAMATION

May 21, 1999, as *RENA K. COTSONES DAY* in Illinois.
 Issued by the Governor May 17, 1999.
 Filed by the Secretary of State May 24, 1999.

99-230

JOSEPH BUCKHALTER DAY

WHEREAS, Joseph Buckhalter was always willing and able to assist the citizens of the Chesterfield Community and the citizens of Illinois; and
 WHEREAS, Mr. Buckhalter joined the Tuley Park staff as a physical education instructor in 1964 and went on to work for the Park until his retirement in 1990; and

WHEREAS, during his tenure at Tuley, he helped build the tennis program, initiated weekly activities for the elderly and improved the Park's Summer Day Camp Program to include children of all ages; and

WHEREAS, Mr. Buckhalter belonged to Tuley Park A Team and was ranked in the top divisions in Men's Senior Singles and Men's Doubles tennis; and
 WHEREAS, Mr. Buckhalter won the Men's 50 Singles at the 63rd Annual ATA National Tournament in Princeton, New Jersey, and teamed with Clarence Walker to win the Men's Doubles; and

WHEREAS, the Chesterfield Community Council, Tuley Park Advisory Council, Chicago Park District and the Joseph Buckhalter Tennis Center Dedication Committee will host a dedication ceremony naming the tennis courts in memory of Joseph Buckhalter, deceased Tuley Park Supervisor and tennis great;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 5, 1999, as *JOSEPH BUCKHALTER DAY* in Illinois.
 Issued by the Governor May 18, 1999.
 Filed by the Secretary of State May 24, 1999.

99-231

LULAC DAY

WHEREAS, the League of United Latin American Citizens, better known as LULAC, was founded in Corpus Christi, Texas, in 1929 and is the oldest and largest Hispanic civil rights organization in the country; and

WHEREAS, since its inception, LULAC has championed the cause of Hispanic Americans in education, employment, economic development and civil rights; and
 WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for immigrants, increased educational opportunities for our youth, and equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and

WHEREAS, this year, the League of United Latin American Citizens will celebrate 70 years of community service to increase educational opportunities and improve the quality of life for Hispanic Americans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 29, 1999, as *LULAC DAY* in Illinois.

Issued by the Governor May 18, 1999.
 Filed by the Secretary of State May 24, 1999.

PROCLAMATION

99-232

AMERICAN GI FORUM DAY

WHEREAS, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedoms for which they had fought so hard; and
 WHEREAS, the American GI Forum is the nation's largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

WHEREAS, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and
 WHEREAS, the activities of the American GI Forum are a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

WHEREAS, the American GI Forum is celebrating its 44th Annual State Convention on June 6;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 6, 1999, as *AMERICAN GI FORUM DAY* in Illinois and urge all our citizens to recognize the valuable contributions of our Latino veterans.
 Issued by the Governor May 19, 1999.
 Filed by the Secretary of State May 24, 1999.

99-233

CHARLES EWELL, JR. DAY

WHEREAS, The Gospel Music Foundation (GMF) will host a Gigantic Music Concert at the Gatling's Chapel Annex in Chicago, Illinois, to benefit Charles Ewell, Jr.; and

WHEREAS, Charles Ewell, Jr. is a role model to his friends, family and community; and

WHEREAS, Charles Ewell, Jr., a talented football player and model athlete, sustained a debilitating injury altering his life choices and athletic future; and

WHEREAS, Charles Ewell, Jr. exemplifies dedication, perseverance and the best in the human spirit despite his current physical challenges;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 30, 1999, as *CHARLES EWELL, JR. DAY* in Illinois.

Issued by the Governor May 19, 1999.

Filed by the Secretary of State May 24, 1999.

99-234

FAYETTE COUNTY WIC DAY

WHEREAS, the Congress of the United States established the Special Supplemental Nutrition Program for Women, Infants and Children 25 years ago under the administration of the US Department of Agriculture; and

WHEREAS, the WIC Program was established in 1974 in response to the alarming rates of anemia among American children, especially those in lower income groups; and

PROCLAMATION

WHEREAS, anemia has been shown to adversely affect the physical and cognitive development of infants and children, both prenatally and after birth; and

WHEREAS, the Fayette County WIC Program assesses women, infants and children for nutritional risk and provides them with appropriate information and nutritious foods; and

WHEREAS, the Fayette County WIC Program provides referrals to other health care providers, especially for prenatal care; and

WHEREAS, the WIC Program has been shown to have lessened childhood anemia, infant mortality, premature births, low birth-weight and other problems related to nutrition in pregnant women, breastfeeding women and children under the age of five;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24, 1999, as *FAYETTE COUNTY WIC DAY* in Illinois.

Issued by the Governor May 19, 1999.

Filed by the Secretary of State May 24, 1999.

99-235

ZONTA CLUB OF OAK PARK DAY

WHEREAS, the Zonta Club of Oak Park was organized in February of 1934 and was chartered on May 26th of that year as the 127th chapter of Zonta International, a worldwide service organization of executives in business and the professions organized in 1919 to advance the status of women; and

WHEREAS, throughout its "herstory" the Zonta Club of Oak Park has been supported financially and through service by numerous organizations; and

WHEREAS, the Zonta Club of Oak Park supports Young Women in Public Affairs scholarship program by recognizing and awarding scholarships to local high school seniors and to encourage these women to enter careers or to seek leadership positions in social policy-making, government and volunteer organizations; and

WHEREAS, the Zonta Club of Oak Park financially supports the Amelia Earhart fellowship award program which was founded in 1938 to support women pursuing graduate degrees in aerospace-related sciences and engineering and has supported more than 500 women from 48 countries in more than 800 fellowships; and

WHEREAS, the Zonta Club of Oak Park also financially supports the international service project, selected by Zonta International through the United Nations, and has directly affected the fate of more than 700,000 women and girls through projects in Argentina, Bangladesh, Botswana, Burkina Faso, Columbia the Comoros Islands, Ghana, Guatemala, India, Jordan, Mexico, the Philippines, Senegal, South Africa, Sri Lanka, Thailand and Zimbabwe; and

WHEREAS, the Zonta Club of Oak Park has supported other projects in literacy, the eradication of domestic violence and internationalism, supporting a student exchange and sponsoring, with other Zonta clubs, receptions for new U.S. citizens at the Dirksen Federal Building in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 26, 1999, as *ZONTA CLUB OF OAK PARK DAY* in Illinois.

Issued by the Governor May 19, 1999.

Filed by the Secretary of State May 24, 1999.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

89-114-21, 22,

24

20-106-20

20-1240R-27

20-1240-27

23-25-26

23-260-25

23-2700-27

23-2770-27

23-2773-27

23-2735-27

23-2737-27

23-2761-27

23-2771-27

23-2790-27

23-3070-20

26-100-23

26-125-23

32-331-19

35-229-22

35-355-26

35-808-23

35-809-23

35-811-23

44-1-25

44-2600-20

50-926-20

50-5421-20

68-1140-20

68-1175-20

68-1200-25

68-1220-26

68-1310-20

68-1320-20

68-1470-20

77-820-21

77-830-19

77-870-19

77-905-17

80-310-25

80-2700-21

83-451-19

86-750-20

89-10-24

89-111-27

89-112-24, 25

89-113-19, 21,

22, 24

89-117-19

89-117-18

89-121-26

89-140-20, 25

89-146-20

89-148-20, 25

89-240-20

89-312-23

89-328-18

89-376-23

89-378-20

89-512-27

89-590-27

89-676-22

89-677-17

89-679-27

89-684-22

89-686-22

89-880R-27

92-386-17

92-390-17

92-391-17

92-392-17

92-393-17

92-395-17

92-396-17

92-397-17

EMERGENCY

17-810-26

23-2310-20

44-1-20

44-2000-20

59-101-17

71-40-22

77-280-23

77-820-22

80-310-22

89-112-20

89-553-22

ADOPTED

2-375-22

2-560-20

2-1025R-17

2-1076-24

2-1175R-18

2-1175-18

2-1650-22

2-3000-23

2-3001-23

2-3002-23

2-5200-20

2-6000-19

17-650-19

17-660-19

17-670-23

17-1010-19

17-2030-23

17-2520-23

35-703-17

35-720-17

35-721-17

35-724-17

35-725-17

35-726-17

35-728-17

35-733-17

38-190-26

44-1300-18

44-2000-20

47-360-17

50-916-25

50-2008-23

56-350-25

56-2605-27

59-101-17

59-112-17

59-117-19

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

___ 1977-1978 ___ 1979 ___ 1980 ___ 1981 ___ 1982 ___ 1983 ___ 1984 ___ 1985 ___ 1986
___ 1987 ___ 1988 ___ 1989 ___ 1990 ___ 1991 ___ 1992 ___ 1993 ___ 1994 ___ 1995 ___ 1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

___ 1981 ___ 1982 ___ 1983 ___ 1984 ___ 1985 ___ 1986 ___ 1987 ___ 1988 ___ 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

___ 1984 ___ 1985 ___ 1986 ___ 1987 ___ 1988 ___ 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

___ 1990 ___ 1991 ___ 1992 ___ 1993 ___ 1994 ___ 1995 ___ 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(VOLUME #)

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

___ NEW ___ RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY @\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$ _____

___ CHECK ___ VISA ___ MC ___ DISCOVER CARD#: _____

EXPIRATION DATE: _____ SIGNATURE: _____

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS: _____)

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

JESSE WHITE

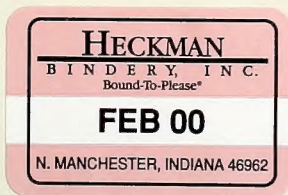
SECRETARY OF STATE

INDEX DEPARTMENT

111 E. MONROE

SPRINGFIELD, IL 62756

OR FAX: (217) 854-0308



HECKMAN

BINDERY, INC.

Bound-To-Please®

FEB 00

N. MANCHESTER, INDIANA 46962

